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THE DIRECT PRIMARY

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Nominating Systems

By CHARLES S. MERRIAM, PH.D., LL.D.

Professor of Political Science, University of Chicago

OUR nominating systems have passed through many stages of development as various social, economic and political situations were encountered. The legislative and congressional caucus were evolved; developed into the hybrid caucus; and later grew into the convention, under the pressure of Jacksonian Democracy. The originally shapeless convention gradually took form and order, but after the Civil War the new urban and industrial conditions forced a system of legal regulation of the delegate system. Later in many local communities the non-partisan primary, nomination by petition only, or proportional representation, supplanted the older methods. The direct primary also sprang up shortly after the Civil War, later as a part of the insurgent or progressive movement, and materially altered the nominating system in almost all parts of the country. Now comes the challenge of direct nomination with a demand for the abandonment of the system on the one hand, and for modifications and further developments on the other.

The writer has been asked to review the present nominating system and cheerfully does so, expressing the hope, however, that his statements will be taken not as propaganda for a special system but as an effort toward a constructive solution of a very vexed problem. We are groping our way toward the adjustment of popular control, political and governmental leadership, and technical knowledge and ability; and we find the methods of party organization and control a highly important part of the process.

OLD CONVENTION SYSTEM

The direct primary was established in the United States as a protest against the unrepresentative character of the old-time convention.¹ The abuses of the delegate system had produced widespread dissatisfaction and a general feeling that the nominating conventions did not reasonably reflect the will of the party. It was believed that the conventions were in many cases controlled by political bosses, and further that these bosses were either controlled by or closely allied with greedy and selfish industrial interests. It was believed that the convention system was admirably adapted to management by the "invisible government" of the industrial-political magnates. Numerous instances in which the public will was defied, cases of bribery and corruption of delegates, prolonged deadlocks, bitter factional struggles, bargaining and trading of offices for the support of delegates;—all contributed to the general conclusion that the convention was too remote from the party, and that its results did not fairly represent the judgment of the rank and file of the party.

Among the specific evils arising under the old convention system were:

1. The limitation of the voter's choice to a set of delegates committed to one candidate, but uninstructed for others. In such cases the candidate "traded" his delega-

¹ The history of this movement is traced in my *Primary Elections* (1909). See also my *American Party System*, Ch. 9 (1922); *Recent Tendencies in Primary Elections* in NATIONAL MUNICIPAL REVIEW, Feb., 1921.

tion for votes of delegations controlled by other candidates.

2. The frequent appearance of the dummy local candidate who held the local delegation solely for trading purposes.

3. Delegations were seated at times by a process either of outright fraud or of indefensible trickery. From time to time large blocks of delegates were ousted from the positions to which they had been clearly elected.

At the Illinois Republican Convention held in April, 1922, the seats of practically one-half of the delegates were contested, and the decision rested in the hands of the State Central Committee. The same situation has happened repeatedly in the counties and states operating under the delegate system, and in the national convention this situation is notorious. It led to the control of the Republican National Convention in 1912 by the Taft forces in the face of the clearly expressed will of the people indicating their desire for the nomination of Theodore Roosevelt.

4. Frequent objection was made to the qualifications of the delegates appearing in the conventions, many of whom were deemed to be unfitted for the responsible tasks devolving upon them.

5. The frequent purchase and sale of delegates to conventions; disorder and tumult in conventions; the deliberate betrayal of trust by elected delegates were not infrequent occurrences.

By 1910 the direct primary was supported by party leaders including Roosevelt, Wilson, Hughes, LaFollette and Johnson, and had been widely adopted throughout the United States. It so happened, however, that just as the direct primary law was placed upon the statute books, the Progressive Party was formed, and many of the very persons who had championed the law were unable to make use of it. By 1916, many of the Progressives had returned to the old political parties, but in 1917 the war broke out and party divisions were minimized. A general wave of reaction sweeping over

the country in recent years has tended to make the successful use of the system more difficult than in normal times.

OBJECTIONS TO DIRECT NOMINATING SYSTEM

It is important now to examine the chief lines of objection that have been offered to the direct nominating system. It is often charged that the expense of the direct primary is excessive and so great as to exclude worthy candidates and favor undesirable types. It may be observed first, that some confusion has been caused by attributing the expense of public regulation of primaries to the direct system. If the primary is to be effectively supervised by the state, whether it is held for the purpose of making direct nominations or of selecting delegates to conventions, the public expense will be about the same in either case. The rental of polling places, payment of election officials, the printing of ballots, the canvass of voters, are as expensive in one system as in the other. If all direct primary laws were repealed, and the regulated delegate system retained, the public expense would not be materially reduced.

Furthermore, as Governor Hughes has pointed out, and as practical experience shows, if there is a real contest for nomination, the expense to the candidates who are campaigning will be about as great under the delegate system as under the direct primary system.² For example, the notable contest in Illinois in 1904 for the Republican nomination, in which Deneen, Lowden, Yates, Sherman and others participated, and which took on the proportions of a desperate, statewide struggle for delegates, was as expensive as any direct primary. If there is no contest, there will be no

² NATIONAL MUNICIPAL REVIEW, X, 23 (1920).

expense, whether the primary is direct or indirect. If there is a contest, the expenditures will not vary greatly under the different systems.

There is much insincerity in the popular discussion of campaign funds, but there is little evidence to indicate, and none adequate to demonstrate that the use of wealth in direct primaries is more effective than in the election of delegates and the control of conventions. The real question is not whether the nominal campaign expenditures are larger in one system than the other, but whether plutocratic tendencies control more easily under one system than another. On the whole, the elaborate mechanism of delegates and conventions is more easily managed by special interests than is the primary. It cannot be forgotten that the conventions have often been controlled by small groups of men, representing wealth and privilege, who have bought and sold delegates like so many cattle, either by direct cash payments or by indirect but material inducements. It is true that voters may be bought and sold in direct primaries, and sometimes are, but they may also be bought and sold in electing delegates; and in addition to that the delegates may be bought and sold.

In viewing campaign expenditures, it is important to consider the democratic financing of campaign funds, public aid to the conduct of campaigning, and to acquire a thorough understanding of the essential and non-essential expenses in campaigning. Our communities might save some money by abolishing the direct primary system, but they might lose more. We might also save in the short run by abolishing all types of elections, but we do not expect to economize in that fashion. A ten-year holiday in the holding of direct primaries would be a dubious saving. There is no room in

any community for wasteful expenditure of funds, but outlays for democratic operation of the government are on the whole a sound investment rather than a burdensome obligation.

VOTING DIFFERENCES

The direct primary is sometimes condemned because a heavier vote is not cast in certain primaries. In many instances the primary vote is unquestionably small, although on the whole far exceeding that under the delegate plan. But to condemn the direct primary vote because all of the party voters do not participate in it, is like condemning universal suffrage because all who are eligible do not vote. In 1920 some 54 per cent of the adult citizens of the United States did not exercise the suffrage in a contest over the most important elective office in the world—the choice of the President of the United States. Hence 50 per cent of the party vote might be considered a fair proportion of the party electorate. And such a vote, or a larger percentage, is usually polled in an important election. In fact, if we consider that many who vote the party ticket do not reckon themselves as partisans, and will not openly affiliate with any party, the percentage of those voting to the available party vote is materially greater. The frequent failure of the voter to exercise his hard-won franchise is one of the surprises and disappointments of modern democracy upon which all observers have gravely commented, but in view of the newness of the vote and the recent rise of universal and compulsory education, it need occasion no surprise. The tendency is for the vote to increase steadily as men and women become accustomed to the common burdens of their common life, assumed with the adoption of self-governing forms of political organization.

Furthermore, the significance of the vote under the direct primary varies in different sections of the country or of the state. About half of the states are one-party states where the primary is of the very greatest importance, for here the election is practically decided. This list includes Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Louisiana, Maine, Michigan, Minnesota, Mississippi, New Hampshire, Oklahoma, North Carolina, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia and Wisconsin, and comprises more than half of the population of the United States. Many other states are preponderantly Republican or Democratic. Of the 3,000 counties in the United States, it is safe to say that roughly half of them are one-party counties. Legislators, governors and United States senators in many parts of the country are practically chosen in party primaries. In these instances, and they are many, the primary of the majority party is of the utmost consequence, for whatever its outcome, it is not likely to be overthrown in the subsequent election. In such cases the majority primary often calls out a very large vote while that of the minor party is of less consequence and perhaps slimly attended.

Of 67 counties in Pennsylvania, there are three that have been uniformly Republican during the last eleven elections—namely, Delaware, Lancaster and Philadelphia. In addition to these, there are eleven others that have been Republican in every year except 1912. In addition to these, there are sixteen others that have been Republican ten out of eleven times. Of Democratic counties, there is one that has been unbrokenly partisan since 1859—namely, Columbia County. There are four others that have been Democratic ten times in eleven elections. The population of Pennsyl-

vania in 1920 was 8,720,017. The population represented in the 35 counties which are almost invariably either Republican or Democratic was, in 1920, approximately 6,500,000. In other words, approximately two-thirds of the primary nominations in Pennsylvania were equivalent to an election. The style of nominating system in these counties and in this population is therefore a matter of fundamental interest, since the primary choices constitute the most significant agency the electorate possesses in the way of popular control.

In Indiana about half the counties are almost fixed in their party affiliations. In Illinois more than half are solely Republican or Democratic. In New York the bulk of the up-state counties are one-party counties. Further detailed analyses of counties show similar results.

The direct primary is of special importance to women voters for a very definite reason. In conventions, the number of women delegates is very small, perhaps five or ten per cent of the total number. In the primaries, however, the percentage of woman's vote is much higher—perhaps 40 per cent of the total vote. It will be some time before women are as fully represented in legislatures or conventions as are men. For the present, their influence may be much more effectively exerted under the direct primary system than under the delegate system. Curiously enough, it is proposed that just as women are given the right to vote, the system under which they might most effectively act shall be changed to one under which their influence will be less powerful. It is not surprising that alert leaders of women are found aligned against the repeal of the direct primary laws in the states.

THE DIRECT PRIMARY AND PARTY LEADERSHIP

It is contended that the practical operation of the direct primary has been disappointing. Here we may schedule, however, two classes of disappointments. It may be said that the direct primary is disappointing in that the boss and the machine have not been overthrown; or it may be said that the direct primary is disappointing in that it makes responsible party leadership difficult or impossible. But of course these two disappointments cannot be simultaneous. If the boss and the machine continue to control as before, then it cannot be contended that there is any less leadership than there was before. If the same persons control the direct primary who controlled the convention, then these same persons must be in the same position of leadership in both cases. And it is interesting to observe that, generally speaking, although by no means in all cases, those who are most vigorously opposing the direct primary on the ground that it makes impossible concentrated leadership, are also found in opposition to measures designed to alter the structure of state or county government in such manner as to insure really responsible and effective leadership.

The significance and value of party leadership must not be ignored, but the lack of it can by no means be attributed to the direct primary system. After one hundred years of operation under the convention system, we may ask how well organized was the party leadership in the average state? How definitely and consistently established was it in actual practice? Was party leadership in the state found in the governor or in the half dozen elective officers associated with him? Or was it found in the House of Representatives? Or was it found in the state

central committee? Or was it found in the numerous county leaders scattered throughout the state, whose number often runs into the hundreds? Or was it found in the congressmen of the state; or much more probably was party leadership found in the United States senator? Or was it perhaps to be discovered in some political boss who was neither governor nor senator?

It is entirely evident that the political party in the states and that the state government itself is now and has been for many years badly organized on the side of responsible public leadership, and is in woeful need of rehabilitation in order to keep pace with the progressive movement of organization elsewhere. As an effective organization for the expression of political opinion, the party is hard-pressed by many other agencies, whose efforts are potent in the making and enforcing of law, and are sharply challenging party prestige. But this situation was not caused by the direct primary, nor is it easy to see how the direct primary interferes with any legitimate function of party leadership.

When it is said that the direct primary stands in the way of more adequate leadership, it is pertinent to ask just what is meant by such leadership, and what stands in the way of developing party leadership at the present time either by party rule or custom? Evidently the direct primary did not prevent the leadership of Cummins in Iowa, or Lowden in Illinois, or Johnston in California, or Wilson in New Jersey, or LaFollette in Wisconsin, or McKelvie in Nebraska, or Cox in Ohio, within the limits set by the form of the state government. My observation is that the prevalence of spoils politics, the lack of state issues, the form of the state government stand in the way of leadership, rather than the way in which the nominations are made.

ADVANTAGES

The direct primary cannot guarantee the uniform choice of competent men any more than the elective system itself can ensure such selections. It opens an easier avenue of approach, but cannot carry us through to the goal. The primary will not automatically overthrow the boss or the machine, but it provides a way of approving or rejecting selections, or of introducing new ones. The rank and file of the voters unquestionably act more readily and effectively through the direct nominating system, and the effectiveness of popular control is thereby increased.

The selection of Pinchot in Pennsylvania, of Brookhart in Iowa, of Howell in Nebraska, of Beveridge in Indiana, are conspicuous illustrations of the effectiveness of the direct nominating system in enabling the sentiment of the voters to find expression in opposition to the party machine. In none of these cases is it probable that the successful candidate would have been victorious under the delegate system. The margin that spelled success came from groups of voters who would not have elected delegates, but who gave votes enough to Beveridge or Pinchot to turn the scale.³ If the party organization fairly represents party sentiment, it will win whether the nominations are made directly or indirectly; but in case of serious conflict, the direct vote seems to give a better opportunity for popular success than the delegate method.

Mr. Secretary Hughes says of the direct primary system, summarizing its advantages:

(1) It places a weapon in the hands of the party which they can use with effect in

³ *The Direct Primary in Two States* (Indiana and Iowa) in NATIONAL MUNICIPAL REVIEW, Sept., 1922; *Gifford Pinchot and the Direct Primary*, *Ibid.*, Oct., 1922.

case of need. They are no longer helpless. This fact puts party leaders on their best behavior. It is a safeguard to the astute and unselfish leader who is endeavoring to maintain good standards in line with sound public sentiment. It favors a disposition not to create situations which are likely to challenge and test.

(2) The fact of this control gives to the voters a consciousness of power and responsibility. If things do not go right, they know that the trouble lies with them. The importance of this should not be overlooked in any discussion of the apathy of the electorate.

The return to the convention system would not help the political party. On the contrary, it would probably injure the party by causing still further loss of public confidence in its organization and methods. The parties have already suffered heavily in public confidence and can ill afford additional losses. Wise and far-seeing leaders would move forward rather than backward. They would endeavor to attract public interest and support by improvements in methods of transacting party affairs. Men and women are beginning to discover that they can influence governmental action without the agency of parties. The associations of commerce, the labor unions, the farmers' organizations, vocational and professional groups of all kinds, are tending to pass the party by. Party managers might well attempt to secure the sympathy and interest of these voters instead of closing the door of party activity to them, and making their effective participation in party counsels still more difficult.

SUGGESTIONS FOR POLITICAL ADVANCES

The direct primary is a step in the evolution of the electoral system, just as the convention was an evolution from the legislative or congressional caucus. But there is still room for

political advances. These, it seems to me, may follow three lines:

1. Non-partisan ballot for local officials and judges.
2. The short ballot.
3. The development of party leadership through the party conference.

1. NON-PARTISAN BALLOT

The direct primary has not been demanded by municipal representatives, but the system of nomination by petition, or some form of double election system, or some type of preferential voting. Local elections do not follow national-party lines closely, and the non-party ballot is more effective. The change to this system is being rapidly made in our cities, although much less developed in counties and other local agencies of government. National party influences and even party domination are not automatically excluded by these laws, but broadly speaking their significance is minimized and local issues and divisions are given wider scope for consideration. No one supposes, however, that the mere change in form of ballot or of nominating mechanism will eliminate national party influences from the domain of local politics.

2. THE SHORT BALLOT

In a discussion of nominating methods in 1909, I expressed the belief that neither the direct primary nor the convention system would work well in situations where a large number of minor administrative offices were elective. I still believe that we will not make progress in the better nomination of coroners and surveyors and county clerks and state auditors under any system that the combined ingenuity of the elder and junior statesmen together may devise. The main road is the short ballot with what it involves

in the way of governmental direction.

In state and county governments with which we are now concerned, there is manifest a slow but strong tendency toward fundamental reorganization, somewhat resembling that which has been seen in the more progressive city governments during the last generation. Vigorous and effective state and local governments are needed to offset the centralizing tendencies of the Federal government and are desired even by the most ardent nationalists. A more modern organization of these governments would do much to clear up the difficulties surrounding the nominating system, and might change the whole character of the problem, as has happened in cities where non-partisan elections and proportional representation are now the chief centers of electoral interest. If counties were to adopt a commission or council-manager plan, how would nominations be made? Or if, as some day may happen, a state adopts a simple form of government, such as the council-manager, or one in which executive responsibility is more strongly organized, how then will nominations be made?

The short ballot will tend to concentrate power and responsibility, and to focus attention upon the significant offices to be filled. If only the governor and members of the legislature, together with one or two county officials were chosen at one time, it would be far easier for the voters to concentrate their attention upon these key officials and to exercise their powers of discrimination more effectively than at present. With the short ballot, the task of the primary will be made much lighter, while the degree of popular control will tend to be greater.

Precisely here it must be recognized that with the development of greater

power in fewer officials, it will be all the more necessary to exercise effective popular control over them. The larger authority conferred upon officials through the process of consolidation and through the gradually increasing authority exercised by the government over social and industrial affairs, will be likely to require a balance in more direct control. The counterpart to the short ballot may be the direct primary.

But the short ballot is no more a panacea than is the direct primary, and we delude ourselves if we assume that the mechanical device of shortening the list of candidates will of itself cure all the ills the body-politic is heir to. Government is not more a matter of mechanisms than it is of values and attitudes, of intelligent discrimination, of sound sense and practical judgment on the part of the community. The fundamental attitudes of the people go deeper down than either the direct or the indirect primary, important as these are. We shall be drawn aside from the main purpose and needs of our time unless we recognize the vital importance of technical administration, applying the best results of intelligence and science to common affairs, unless we recognize the fundamental need of the broadest possible social and civic training, unless we recognize the significance of the spirit of justice which the state must strive to realize in the lives of men and women.

It is important to consider other possibilities that may arise in the course of governmental development. It may be that in the reorganization of county and state government proportional or preferential representation will play a larger rôle than in the past. If this proves to be the case, the methods of nomination would be materially affected, as is now seen in cities using proportional representation.

Here again, of course, the question may arise as to how the primary or original selection of candidates will be made.

3. PARTY CONFERENCE

It is not only possible but desirable to improve the organization of party leadership. There is nothing to prevent the holding of informal party conferences or conventions now, and in fact much might be accomplished by them in the way of developing party leadership. On another occasion I suggested the possibility of the formation of a national conference, meeting annually.⁴ The same sort of a conference might be held on a state-wide scale, if desired. Such a conference might include the state governor, or last candidate of the minority party and their primary or convention opponents; state officials elected at large, or minority candidates; members of the state central committee or executive committee if this is deemed too large; party members of the state legislature and minority candidates; representative party members appointed by the governor, the state central committee, and various party leagues, clubs, societies—say a total of 100. This would make a total of perhaps 200 to 300 members.

Such a body might meet for the purpose of considering and recommending candidates for office, subject to approval in a subsequent primary. In fact a conference might do much more than that. It might consider questions of party policy, listen to party speakers, hear reports of party committees on matters of party importance, consider problems of party management. Its members, representing different sections and elements of the state, might consult and confer on a wide variety of party problems. Al-

⁴ See my *American Party System*, 298.

most every other social grouping in a state, whether political, religious, commercial, agricultural, industrial, educational, holds such sessions with great pleasure and profit to its members. What association is there in the state that does not hold such periodical conferences of its leaders?

And why are they not held within the party? And why does even the suggestion of such a party conference seem a little, shall we say, impractical? Certainly there is nothing in the law to prevent them. In some cases they are held, but often privately and not in the open air of publicity, as Senator Platt's Sunday School, or Mr. Lundin's Heart-to-Heart talks.

One difficulty is that parties do not often stand for definite issues in state elections; indeed they seldom do. Again, considerations of patronage are often regarded by party managers as more important than those of policy, and conferences might tend to emphasize the latter. The party organization does not always care to encourage real leadership in contrast to job-brokerage and log-rolling. A local boss having discontinued a very flourishing ward club where issues were wont to be discussed, said, when asked why: "Because I have too d—d many statesmen on my hands now." Nor can the mass of the party voters escape responsibility for their frequent lack of continuing and persistent interest in party affairs, and lack of effective cohesion in crises.

Responsible leadership in the party is of the very greatest importance, but it is necessary to study with care the nature and function of the party, in order to see just what leadership develops or is required in state situations. Broadly speaking, the party leadership is national rather than state, and even in the national field the party does not do as much leading

as is sometimes supposed. But it is impossible to enter into this larger field on this occasion.⁵

CONCLUSION

In conclusion, it appears to me that the Old Guard is now, as it was originally, against the direct nominating system, and would gladly return to the old delegate plan, which they controlled more readily. The mass of voters, however, while often disappointed in the results achieved under the new system and sometimes bored by the multiplicity of elections and candidates, are not ready to abandon the direct primary as an instrument of control, and are not likely to do so if given the opportunity to express themselves directly in a referendum vote. The memory of the old conventions fades with time, but a little reflection recalls vividly the lurid pictures of misrepresentation and unblushing boss-control under it and gives us pause when we consider the return to the *ancien régime*. Many voters will conclude that instead of going back to the earlier delegate system, they will endeavor to make more effective use of the primary system, and go forward to further improvements.

There is likely to be much experimenting with various forms of pre-primary designation by party committees or conventions, and perhaps some form of party conference may be developed in the course of the process of trial and error. It is not unlikely that the party organization and process will be subjected to as severe analysis and extensive reorganization as are other forms of social and industrial groupings in our day. The existing party system does not hold by divine

⁵ See my article on Nominating of Presidential Candidates in *Journal American Bar Association* (Feb., 1921).

right, but is subject to challenge, test and improvement, as are other human institutions. The growing responsibilities of government are placing increasing burdens upon the party and with greater complexity of social and industrial conditions it may be presumed that the effectiveness of the party will be sharply scrutinized and its methods materially modified.

In the end it will be found that the dissatisfaction with the delegate system and with the direct primary is a symptom of troubles that go deeper down than any method of nomination. The frequent lack of a real basis of party unity must be considered. Party and governmental organization adapted to democratic responsibility and efficiency are involved; social and indus-

trial maladjustments are related; our political *mores*, the level of popular interest and intelligence, human capacity for social organization, are intertwined in the fabric of the electoral issue. Light rather than heat is needed in the present stage of our party development, and the forward look of constructive intelligence striving to find the better way in our advance toward genuine democratic association and organization.⁶

⁶ On a previous occasion the writer suggested and again urges the great importance of a thoroughgoing, objective study of nominating systems in the United States. This would require the collaboration of a number of persons and the expenditure of considerable amounts for detailed investigation of specific situations, but it would prove the necessary basis for a constructive future policy or alternative policies.

Direct Primaries

By CHARLES KETTLEBOROUGH, PH.D.¹

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AS an agency for the nomination of candidates for elective offices, the direct primary has been adopted and is now in use in 45 states. Connecticut, New Mexico and Rhode Island are the only states which nominate candidates exclusively by other methods. Moreover, in most states the party machinery as it now exists is created and regulated by provisions which have been incorporated in the direct primary laws. The direct primary laws vary in their complexity and wealth of detail from those which have virtually adopted and legalized existing party methods of making nominations to the law of South Dakota, which is conspicuously detailed in its provisions. In its ideal form, all candidates who obtain office by election are nominated at the primary, but there are few, if any states in which the primary is as inclusive as that. Such tendency in the evolution of the primary as may be observed by an inspection of the laws, seems to be in the direction of restricting the primary to the nomination of local candidates, but even this tendency is not marked.

The various types of primaries now in use fall rather logically into two classes: (1) The mandatory primary and (2) the optional or permissive primary, with which latter may be included the so-called preferential primary. By the terms of the mandatory primary, all, or certain designated candidates for elective offices must be nominated by a primary. By the terms of the optional or permissive primary, all, or certain designated candidates for elective offices may be nomi-

nated by a primary, the determination usually being vested in the governing authority of the party of the jurisdiction in which the primary is to be held. The laws in either case are substantially identical, but in the optional primary states, the law must be invoked, while in the mandatory states it operates under its own power.

MANDATORY PRIMARIES

There are 39 states which have mandatory primary laws and in which primary elections are required to be held every alternate year for the nomination of candidates for public office. The mandatory primary states include Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin and Wyoming.

OPTIONAL PRIMARIES

There are 6 states which have the optional primary plan, by virtue of which the governing authority of the party in any jurisdiction may invoke the primary prior to any general election. The optional primary states include Alabama, Arkansas, Delaware, Georgia, Kentucky and Virginia. In addition to these states, however, the optional primary plan may be used in the mandatory primary states under

¹ See Digest of Primary Election Laws, p. 181.

certain circumstances and upon the happening of certain contingencies. In several of the mandatory states, vacancies which happen between the regular primary and the general election may, in the discretion of the party committee, be filled by a nomination made at a special primary. In Alabama and Arkansas, the use of the primary to fill such vacancies is optional. In Michigan, the question of nominating candidates by the primary in cities of less than 70,000 may be submitted or re-submitted to the voters at any biennial primary election, on petition of 20 per cent of the voters; villages and townships, under the general law, nominate candidates at a caucus, but on petition of 10 per cent of the voters of any village, the question of nominating village officers by means of the primary may be submitted to the voters, and if approved by a majority thereof, candidates are thereafter nominated at a caucus in which ballots are used as in a primary. Any village adopting the primary-caucus system may at any time revert to the system provided by the general law. In townships, the primary-caucus plan may be adopted by the township board on its own initiative, or on petition of 25 per cent of the voters the adoption of the plan is obligatory. In Minnesota, in cities of the third class operating under a home rule charter, elective officers may be nominated at the primary on the adoption of a suitable resolution by the council. In North Carolina, county election boards may hold primaries for the selection of candidates for township and precinct officers. The Ohio primary law does not apply to township officers or officers of municipalities of less than 2,000 population, but the voters of such jurisdictions, by petition signed by a majority thereof, may establish the primary therein. Masters, magistrates and supervisors of

registration in South Carolina are not nominated at the primary, but the respective county committees are authorized to order a primary for such officers. In West Virginia, the primary is applicable to municipalities, but any city or borough having a population of less than 30,000 may adopt other methods of nomination in lieu of a primary. In Florida, the primary is optional in all cities. In Massachusetts, the question of adopting, continuing or discontinuing the primary in municipalities is submitted at every city and town election. Except as otherwise specified, the governing authority of the party in the jurisdiction affected decides whether a party primary shall be held. The North Carolina primary law does not apply to 39 counties as to county officers and members of the lower house of the legislature, but on petition of one-fifth of the voters, the question of holding primaries therein may be submitted to the voters and if a majority vote favorably, the primary is thereafter operative.

DATES OF PRIMARIES

The dates of the primaries at which candidates are nominated for the general election are scattered from January to September of the even-numbered years. There is one general primary held in January, one in March, 7 in April, 8 in May, 6 in June, one in July, 16 in August and 14 in September. Owing to the fact that presidential primaries are held separately, there are two general primaries in California, Maryland, Montana, West Virginia, Alabama, Louisiana, Massachusetts, Michigan, New Jersey, New York, Nebraska and Ohio. These dates, of course, take no account of special and municipal primaries, which are timed to occur from 3 to 8 weeks before the election for which they are held.

PARTIES TO WHICH APPLICABLE

The primary is designed to apply only to the larger parties and only those parties which cast a certain designated per cent of the vote at the last preceding election are obliged to conform with the primary law, although this restriction is conspicuously liberal in several states. The criterion is the total vote cast for governor, or for Secretary of State or for the candidate receiving the highest vote at the last preceding general election. In some cases the state vote is used and in others either the state vote or the vote in the political sub-division affected. The primary is applicable to parties which cast at least 1 per cent of the vote in Maine, Nebraska and Wisconsin; 2 per cent of the vote in Illinois and Iowa and in Pennsylvania for state officers; 3 per cent of the vote in California, Massachusetts, Missouri and New Hampshire; 5 per cent of the vote in Arizona, Florida, Louisiana, Minnesota, North Dakota and Vermont and in Pennsylvania for county offices; 10 per cent of the vote in Colorado, Idaho, Indiana, Maryland, Michigan, Nevada, New Jersey, Ohio, Tennessee, Washington, West Virginia, Wyoming and Delaware; 20 per cent of the vote in Oregon and Kentucky; and 25 per cent of the vote in Alabama and Virginia. In New York the act applies to parties which polled 15,000 votes and in Texas 100,000 votes at the last election. In Kansas, Georgia, Arkansas, South Dakota, South Carolina, Oklahoma, Mississippi and Montana the law applies to all parties. In California, where joint candidates are allowable, the percentage is double that of single party candidates. In addition to casting 10 per cent of the vote, Idaho requires that the party must have had 3 nominees for state office at the last election.

OFFICERS TO WHICH APPLICABLE

Primaries, whether mandatory or optional, do not necessarily apply to all elective officers. The application is more generally uniform as to policy-determining officers than to those whose duty is more ministerial. Among the policy-determining officials to which the primary is applied, either by its own mandatory provisions or by preference provisions which may be invoked by the electors are: President and Vice-President, United States senator, congressmen, governor, and members of the state legislature. Of the local government officials, those having charge of the management and intrusted with the expenditure of the funds of counties, townships, cities, towns and parishes, are generally included. The nomination of local judges, states' attorneys, justices of the peace and constables is frequently, but by no means always, made at the primary. The chief division of local sentiment as expressed in the primaries is over the question of the nomination of state as well as local offices. The theory is that the primary has a more practicable application to local government units than to the state as a whole. Obviously this theory has not gained very wide acceptance as the only states in which the primary is applied to local officials only are the following: Indiana, which excludes all state officers, but affords a preference primary vote on governor and United States senator; Idaho, which, by an act of 1919, restricted the primary to local officers exclusively; Maryland; New York, which abandoned the state-wide primary in 1921; Utah and Florida which apply only to municipal officers; and Kentucky, which is optional as to state officers and mandatory as to local. In addition there are a certain number of officers which are specifically excluded

from the primary. These include, in California, municipalities and counties under special charters, cities of the fifth and sixth classes and district officers not for municipal purposes; in Colorado, town officers, delegates to the national convention and presidential electors; in Illinois, to presidential electors, trustees of the State University, school and township officers; in Kansas, local school officials and officers of cities of less than 5,000; in Kentucky, school officers, presidential electors and officers of towns of the fifth and sixth classes; in Massachusetts, cities and towns whose charters otherwise provide; in Michigan, to commission-governed cities or those having special charters; in Minnesota, to towns, villages, third and fourth-class cities, members of school, park and library boards in cities of less than 100,000, to presidential electors and county surveyor; in Missouri, to school, town and village officers and to city officers not elected at a general election; in Nebraska, to cities of less than 25,000, villages, precincts, townships, school districts and boards of supervisors; in Nevada, to city officers and officers of reclamation and irrigation districts; in New Hampshire, to city, town and school district officers; in New York, to town, village, school officers and presidential electors; besides, unofficial primaries may be held, but not at public expense; in Oregon, to cities and towns of less than 2,000 inhabitants.

SINGLE SHOT BALLOTS

Alabama has a provision in the primary law which eliminates ballots on which but a single name is marked. The law provides that ballots commonly known as single shot ballots shall not be counted. Where two or more candidates are to be nominated, the voter must express himself for as many candidates as there are offices to be filled.

INDEPENDENT CANDIDATES

It frequently happens that the voters desire to nominate independent candidates for office subsequent to the primaries. There is a tendency on the part of party managers to discourage the practice of nominating independent candidates, and certain safeguards, some wise and others foolish, have been devised to insure party integrity or permit a free expression of opinion. In Arizona, candidates may be nominated by petition, but such petitions must be signed by voters who did not sign petitions before the primary and who did not participate in the primary. Arkansas permits nomination by petition without restrictions. In California, only those persons who did not vote in the primary or sign a petition for the particular candidate may sign a petition and no person is eligible for the office who was defeated at the primary. In Colorado and Idaho, petitions for independent candidates must be signed by voters who did not vote at the primary for any candidate for the office for which the petition is filed. In Indiana, no person can run as an independent candidate unless he files a petition 30 days before the primary. In Kentucky, Louisiana, Montana and Minnesota, a candidate who is defeated at the primary cannot run during the same year as an independent candidate.

NON-PARTISAN CANDIDATES

In California, all judges, school, county, municipal and township officers are nominated on a non-partisan ballot; in Iowa, all supreme, district and superior judges; in Minnesota, all judges of the supreme, district, probate and municipal courts; members of the state legislature, county officers and city officers in first and second-class cities; in Nevada, all judges of the supreme and district courts, justices of

the peace, state superintendent of public instruction, university regents and school officials; in North Dakota, county officers, judges of the supreme and district courts, state and county school superintendents.

REGISTRATION

In practically all states which require registration for general elections, voters are also required to register for the primary. In California, any voter in registering may declare or decline to declare his party affiliation. If he declares his party affiliation he may vote both a party and a non-partisan ticket at the primary; if he declines to declare his party affiliation, he may vote only a non-partisan ticket. In Florida, the voter's party affiliation is entered on the registration books, which are preserved for use at the next ensuing primary, and no voter can change his party affiliation except by filing an application in writing 60 days before the primary. In Maryland, any voter who declines to state his party affiliation cannot vote at the primary; a voter cannot change his party affiliation except by giving notice 6 months before election. In Massachusetts, the registration roll showing the party affiliation of the voters is kept for 3 years and no voter can change his party affiliation except on written application and the change takes place 30 days after the application is made. In Minnesota and Nebraska, the day of the primary is the first registration day.

SAMPLE BALLOTS

In California, a sample ballot, containing all names in the same order as they will appear on the official ballot must be mailed to each voter at least 5 days before the primary.

PRE-PRIMARY CONVENTIONS

There are two states, Colorado and Minnesota, which hold pre-primary or

endorsement conventions. In Colorado, these conventions are composed of delegates selected in any manner provided by rules of the party. The convention takes only one vote on each candidate and every candidate receiving 10 per cent or more of the vote of the convention must have his name printed on the primary ballot. The names of the convention candidates are placed on the ballot in order of the number of delegate votes each received in the convention, the one receiving the largest number of votes being placed first. Candidates may also enter the primary by filing a petition, but petition candidates have their names entered on the primary ballot after the names of the convention candidates. In Minnesota, a delegate election is held on the second Tuesday of March of even-numbered years to elect delegates to a county convention. Each election district is entitled to one delegate and such additional delegates as it is entitled to on the basis of the voting strength. At least 15 days before the convention, persons who desire to be candidates for delegate file a declaration. Within 10 days after the delegate election, a county convention is held to elect delegates to a state convention and to a congressional district convention. The congressional district convention endorses district officers. The state convention consists of 3 delegates at large from each county and such additional delegates as the voting strength of the county may entitle it to. The state convention endorses candidates for state office, United States senator, presidential electors and delegates at large to the national convention. The fact that a candidate is endorsed is printed on the ticket. The State Central Committee consists of 2 members from each congressional district elected at the state convention by the delegates representing such district; each candidate en-

dorsed by the convention and each candidate for congress selects one member and the candidate endorsed for governor is chairman. If any endorsed candidate is defeated, his selection is annulled and the successful candidate selects one.

OPEN PRIMARY

Colorado seems to be the only state having the so-called open primary. All tickets are on one ballot. Any voter may vote one and only one ticket, and those tickets not voted are detached from the voted ticket and only the latter is deposited in the ballot box.

LOCAL COMMITTEES

In addition to the precinct, county, congressional district and state committees, which are the usual and prevailing committees in the party organization, other local committees are either created by law or the creation of such committees is authorized. In Colorado, there may be ward and subdivision committees and if such are formed, they consist of the precinct committeemen and women resident therein. There are also judicial, senatorial and representative district committees which consist of the chairmen and vice-chairmen of the several counties composing such districts, together with the candidates for office resident therein. In Florida, in addition to the statutory committees, party authorities may create any number of committees they desire. In Kansas, there are judicial, senatorial and representative district committees, composed of each county chairman of the district and one additional member chosen by the county committees for each 1,000 votes in excess of 1,500. In Louisiana, there are ward, town, plantation and representative class committees; in Michigan, judicial and representative district committees; in Mississippi, judicial

district, flatorial, senatorial and other district committees; in Missouri, senatorial and judicial district committees; in New Hampshire, there may be town and ward committees.

NO OPPOSITION

In the following states when there are just enough candidates for the office or offices to be filled, the candidate's name is printed on the general election ballot and no election is held: Florida, Indiana, Louisiana, Michigan, and Minnesota.

POLITICAL PAMPHLETS

Several states provide for the publication of pamphlets designed to afford information to the voter as to the character and political opinions of the several candidates. Provision is made for the distribution of these pamphlets so that every voter may obtain a copy. A fee is charged to each candidate to defray the cost of publication and distribution. These pamphlets contain the portraits of the candidates; a statement about the candidacy of any candidate or of his opponent.

RUN-OFF PRIMARIES

In several of the southern states, the laws provide for run-off primaries in which only the two candidates having the highest votes participate. There may be one or more of these run-off primaries, depending on the event of the vote therein. Run-off primaries are held in Georgia, Louisiana, Mississippi, South Carolina, Tennessee and Texas.

COUNTY UNIT VOTE

In Georgia, candidates for United States senator, governor, state officers, judges of Supreme Court and Court of Appeals who receive the highest popular vote in any county, are considered to have carried the county and are entitled

to the full vote of the county on the county unit basis, which is two votes for each representative the county is entitled to, in the lower house of the legislature. Tying candidates divide the county unit vote. County unit votes are consolidated by the chairman and secretary of the state central committee of the party holding the primary and published, and the candidates who receive a majority of the county unit votes are declared to be the nominees by the state convention. If two candidates tie on county unit

votes, the one receiving the highest popular vote is declared nominated. If no candidate for United States senator or governor receives a majority, a second primary is held in which the two high candidates only compete.

CUMULATIVE VOTING

In Illinois, any voter may cast three votes for any candidate for the lower house of the state legislature, or distribute them among either 2 or 3 candidates.

Removable Obstacles to the Success of the Direct Primary

By H. W. DODDS

Secretary, National Municipal League

DURING the past two years the direct primary has again survived an assault none the less threatening because the deed was planned and was being executed in secret. Some reformers and practically all politicians were dissatisfied with it, and the reaction following the war seemed an opportunity to revert to the convention system.

So it came about that beginning in 1919, but more particularly in 1920 and 1921, a number of primary repeal bills were introduced in state legislatures. These were unsuccessful with the exception of New York, which returned to the convention system for the nomination of all officials elected on a state-wide ticket. Again in 1922 definite plans were under way to re-introduce the convention in a number of states when the legislatures meet in 1923.¹ It is yet too early to know whether such plans will be carried out. The conspicuous success of insurgent candidates in the primaries of Iowa, Indiana and Pennsylvania, plus the results of the November elections, indicates that this winter will not be the opportune time to start a successful raid. The League of Women Voters can always be relied upon to defend the direct primary with energy. They reason, and not without justification, that a device opposed by so many professional politicians may not be without profit

to the people, and are not distracted by phrases about greater party responsibility through the convention system.

SOME OLD FRIENDS NOW CYNICAL

And yet, many early advocates of the direct primary are frankly cynical now. Obviously it has not lived up to expectations. Inferior candidates are still nominated. The "high-minded" element in the party is still flouted with seeming impunity. The new type of candidate so ardently awaited has not arisen. Has nothing been accomplished?

A sense of failure, we submit, is unwarranted although a natural consequence of too great expectations. It arises first from a lack of realization of the necessity and function of the "organization," which Mr. Hughes has consistently emphasized in an appeal for a more general participation in party affairs and the enforcement of tighter responsibility upon party leaders.

But vastly more important has been the neglect of public opinion to comprehend that the condition to be treated did not arise from the party convention and its abuses. Instead of viewing the convention as a cause, how much wiser it would have been to have looked upon it as an X-ray photograph of a complex political system. The direct primary has been disappointing because it was designed to counteract a symptom, a manifestation. In a sense, therefore, the agitation over the primary has been harmful because it

¹ For a comprehensive statement of the movement to repeal or modify direct primary legislation see article by Prof. R. S. Boots, *The Trend of the Direct Primary*, American Political Science Review, August, 1922.

has diverted the public mind from more fundamental reforms. Thus the available supply of nervous energy has been consumed in superficialities. Fortunately, displeasure with the primary is beginning to energize a more scientific attack upon the boss.

HOW THE LONG BALLOT AFFECTS THE DIRECT PRIMARY

There remain today at least three outstanding reforms necessary of accomplishment before any system of nominations will be satisfactory. In the order of their importance they are the short ballot, the merit system in public employment, and the reorganization of county government. These indispensable reforms are not separate and distinct. They react upon each other and their mutual purpose is the abolition of government for entrenched, selfish politics by entrenched, selfish politicians.

Now that the short ballot doctrine has become so generally understood and accepted, it is almost incredible that it should have had so little attention from the fathers of the direct primary. Given a system of elections theoretically and practically wrong, what can seriously be expected from any system of nominations? For at least twenty years students of election methods have been telling us that we have too many elections and too many officials to elect. Any campaign, primary or election, is a failure from the standpoint of popular participation unless it is vigorous. A vigorous campaign is the people's safety. Yet during 1922 Chicago voters were summoned to the polls five times. They were compelled to register twice. Exclusive of the primary they were compelled to pass judgment on candidates for about fifty different offices. In the St. Louis primary last summer, candidates were nominated for thirty-

three offices. The Republican ballot bore 103 names and the Democratic 54. Primaries elsewhere are frequently as bad or worse. Naturally, but a few are conducted with sufficient vigor to arouse a real popular opinion regarding the candidates.

When official opinion, pro and con, with respect to the direct primary is for the most part so shallow, it is refreshing to discover two state governors defending it by daring to inquire why it has not fulfilled early hopes. In 1921 Governor Dixon of Montana told his legislature that

The most plausible argument advanced against the present primary law is that the voters cannot know the personal qualifications of the long list of candidates for the various minor offices.

Of course they do not, but they do have an opinion regarding the merits of the principal candidates.

The same year in his message to the legislature, Governor Cox of Massachusetts noted the vocal sentiment against the primary and said

So many candidates seek the many offices to be filled at a state-wide primary, that it is extremely difficult for even the careful voter to learn of the relative merits of the various candidates. The chief objection to the present system of direct nomination in Massachusetts would in my judgment be removed by the adoption of the short ballot.

The adoption of the short ballot of course implies administrative consolidation and reorganization. Fewer officers elected, more appointed. As a consequence of short ballot propaganda, public attention, focused on the appointing power, is being taught to demand a higher type of appointee. Thus we are gaining a new concept of administrative fitness and function. It involves a wider application of the merit system.

THE MERIT SYSTEM DECREASES MACHINE CONTROL

Historic civil service reform in this country began with the lower grades of employees and in many jurisdictions has never extended beyond them. In so far as it has succeeded in making them no longer mere pawns in the spoils game, it has helped to make the direct primary possible. Granting, for the sake of our argument, that the merit system has been haltingly and half-heartedly applied in many jurisdictions, that under the guise of civil service regulations political pull still works and party service is still demanded, the indisputable fact remains that it has weakened the "rings" and increased the efficacy of the direct primary as an instrument of revolt. Suppose that the large army of public employees, estimated at almost 3,000,000 for the national, state and local governments, were still in the grip of the spoils system as our fathers knew it. Each one would have to be a faithful, if not willing, worker in the party vineyard. Picture them added to the already large body of ward and county workers. The thought appalls one. A suggestion of what would result is found in those countries where not even lip worship is paid to the merit system, and where the whole public personnel, civil and military, are political serfs of the dominant party. The chance for spontaneous self-development of public opinion would be nil.

But while civil service reform has aided the direct primary as an engine of democracy, further progress is indispensable if the latter is to work well. The merit system in the lower grades has been obstructed by our failure to apply it in the higher grades of administrative appointments. Whether or not the higher executives can be selected by competitive examination is

debatable but does not concern us here. The important thing is that they be selected on the basis of executive ability and not as beneficiaries for party service. Until the higher administrative offices are amenable to the merit system, politics will continue to infest the lower grades; and so long will the organized army of the professional politician stand mobilized against a really popular nominating system.

Thus the short ballot idea, involving as it does more direct executive responsibility, reënforces and accelerates the merit system. And only through the merit system can we attain to the clear air in which the issues, about which public opinion crystallizes, can have free play. A well organized state machine backed up by a few thousand faithful municipal and county employes is too great an opponent for any form of direct primary successfully to withstand.

PRESENT COUNTY GOVERNMENT SUB- VERSIVE OF POPULAR NOMINATIONS

County government is the last refuge of old-fashioned, selfish politics. In it survives, more than in any other governmental unit, the antiquated political organization. It typifies in the pure state the evils discussed above, unaffected by efforts towards change. It knows not civil service reform; it is untroubled by administrative reorganization. Its spoils have been aptly termed the base of political supplies. The state machine is a ganglion of which the county machines are the cells. The county court house is the primary unit of the state machine.

The vast expenditures of county government in the United States are considered as rightful spoils for the dominant party. Party good feeling and *camaraderie* are never disturbed by considerations of efficiency with the administrative discipline which it en-

tails. Its functions being of a routine nature and its subject matter never dramatic, the county is allowed to drift on undisturbed. Activities in which it fails conspicuously may be taken away; the county itself is never reformed.

If the county primary had succeeded, it would have been nothing short of marvelous. The best argument against a return to the convention system is that such a system is based upon county organizations which feed at the court house.

THE "ORGANIZATION" MUST HAVE NO UNFAIR ADVANTAGE

The thesis of this article is that the direct primary will never be what we want it to be, until our form of govern-

ment is so changed that the political organization as such, is deprived of its unfair advantage. The long ballot and the spoils system (administration for political purposes) are the principal constituents of this unfair advantage. The field in which they operate today with greatest profit and least interference is county government. Deprived of this unfair advantage, we have nothing to fear from political organizations, which are necessary and useful. We can then view the pre-primary slate made up at the pre-primary convention, as urged by Mr. Hughes, with equanimity. If popular elections are beneficial, there is nothing illogical about the direct primary.

It ought to have a fair trial.

Why I Believe in the Direct Primary

BY GEORGE W. NORRIS

United States Senator from Nebraska

OUR government is founded upon the theory that the people are sufficiently intelligent to control their own government. The argument I shall make is based upon the truth of this assumption. The direct primary is simply a method by which the will of the people can be ascertained in the selection of those who shall make and administer the laws under which all of the people must live. There is nothing sacred about it. If a better method can be devised I would not hesitate to abandon it and throw it aside. Neither will I claim that it is perfect. It has many weaknesses and imperfections. Until we can find a better system we ought to devote our energies toward its improvement by making whatever amendments experience demonstrates are necessary, always having in view the fundamental principle that we are trying to devise a plan by which the people will come as nearly as possible into the control of their own government. We must not expect perfection. We cannot hope to devise a plan that will make it impossible for mistakes to occur. We cannot by law change human nature. Selfish, designing, and even dishonest men will sometimes be able to deceive a majority of the people, however intelligent and careful they may be. Every government, whatever may be the system of nominating candidates for office, ought to provide by law for the recall of its officials by the people. If the people should make a mistake they will correct it. If a public servant has been faithful and true to his trust, it will not be necessary for him to seek the approval of party bosses and machine

politicians for his own vindication. The direct primary is in fact a part of the system of our election machinery. It is just as important, and often more important, than the official election which follows. A people who are qualified to vote for candidates at the general election are likewise qualified to select those candidates at the direct primary election. It requires no more intelligence to vote at that election than it does at the regular election. To deny to the citizen the right to select candidates and to confine his suffrage rights solely to a decision as between candidates after they have been selected is, in reality, at least a partial denial of the right of suffrage. It very often means that the voter is given the right only to decide between two evils. The right, therefore, to select candidates is fundamental in a free government, and whenever this right is denied or curtailed, the government is being placed beyond the control of the people.

OBJECTIONS TO THE DIRECT PRIMARY

No better defense can be made of the direct primary than to consider the objections that are made to it. In doing this, it must be remembered that up to this time we have had but two systems. One is the old convention system and the other is the newer and more modern system of the direct primary. Those who are opposed to the latter, advocate the return to the convention system, and in doing this they point out various objections to the direct primary, which, they argue, are sufficient reason for discarding it. It is my purpose now to consider some of

these objections. Some of them, instead of being objections to the direct primary, are in reality arguments in its favor. Other objections made are only partially sound, while some of them are untrue in fact. If we are seeking better government and have no ulterior motive whatever, we ought to be constructive in our criticism. This I shall try my best to be. I am seeking to find the best system of nominating candidates. The defects of the direct primary system, even in its crude state, are so much less than the wrongs and evils of the convention system, that an intelligent people will not hesitate to adopt it rather than the long used and universally condemned convention system, and devote their energies in a fair and honest way to the enactment of laws that shall, as far as possible, eliminate the defects of the primary.

DOES THE DIRECT PRIMARY LOWER PARTY RESPONSIBILITY AND DECREASE THE PARTY SPIRIT?

One of the objections that is always made to the direct primary is that it takes away party responsibility and breaks down party control. This objection is perhaps the most important of any that are made against the direct primary. Politicians, political bosses, corporations and combinations seeking special privilege and exceptional favor at the hands of legislatures and executive officials, always urge this as the first reason why the direct primary should be abolished. But this objection thus given against the direct primary I frankly offer as one of the best reasons for its retention. The direct primary will lower party responsibility. In its stead it establishes individual responsibility. It does lessen allegiance to party and increase individual independence, both as to the public official and as to the private

citizen. It takes away the power of the party leader or boss and places the responsibility for control upon the individual. It lessens party spirit and decreases partisanship. These are some of the reasons why the primary should be retained and extended. A party is only an instrumentality of government. Whenever, through party control, a public official casts any vote or performs any official act that is not in harmony with his own conscientious convictions, then the party spirit has become an instrument of injury to the body politic rather than a blessing. Laws enacted through such influences not only do not express the wishes and the will of the citizens, but it is in this way that bad laws are placed upon the statute book and good laws are often defeated. A public official should in the performance of his official duties be entirely non-partisan. Whenever he is otherwise, he is in reality placing his party above his country. He is doing what he conscientiously believes to be wrong with the people at large, in order that he may be right with his party.

The country owes most of its progress to the independent voter, and it is a subject of great congratulation that his number is increasing at a wonderfully rapid rate. Partisanship blinds not only the public official but the ordinary citizen and tends to lead him away from good government. In a Republican stronghold, the machine politician deceives the people by asserting that he is an Abraham Lincoln Republican, while in the Democratic locality, the same class-official seeks to carry public favor by claiming a political relationship to Thomas Jefferson. It is the party spirit that enables these men to cover up their shortcomings. It is the party spirit on the part of the voter that causes him to be moved by such appeals. Party allegiance and

party control if carried to their logical end, would eliminate the independent voter entirely; and incidentally, it ought to be said that the independent voter is always condemned by the politicians and those in control of political parties.

The direct primary is comparatively new. The one circumstance more than any other that brought it into life was the evil in our government that came from the spirit of party. This evil grew from a small beginning and gradually increased until it pervaded and controlled our government. The means through which this evil spirit could most successfully work was the party convention. Its danger was seen long before it had reached a point where its evil was felt. Its demoralizing influence upon popular government was forcibly predicted by George Washington. He warned his countrymen in the most solemn manner against the baneful effects of the spirit of party generally. In speaking of party spirit in his Farewell Address, he said:

It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

He declared it was not only the duty but to the interest of a wise people to dis-

courage and to restrain the party spirit. Again he said:

. . . and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warning, it should consume.

The direct primary does not seek the destruction of party; but it places its control directly in the hands of the voter. It lowers party responsibility, and to a certain extent takes away party government by placing country above party. If the primary had done nothing more than the one thing of substituting individual responsibility for party responsibility, thus doing away with party control, it would have given sufficient reason for its existence.

DOES THE DIRECT PRIMARY GIVE THE NEWSPAPERS TOO MUCH POWER?

Another objection made to the direct primary is that it results in giving control over nominations to the newspapers. There is no doubt that the direct primary increases the influence and power of some newspapers. The newspaper that is true to its name, gives first of all, the news—unbiased, uncensored, and unprejudiced—and one whose editorial policy is open and fair will have its influence in political matters increased by the primary. This, however, is a good rather than a bad thing. The newspaper that publishes the truth and gives a true report of political news ought to have its power and its influence increased. The

increase of influence on the part of such instrumentalities will tend toward a more intelligent selection of candidates, and therefore should be encouraged rather than condemned.

DOES THE DIRECT PRIMARY INCREASE THE EXPENSE OF A CAMPAIGN?

Another objection made to the direct primary is that it extends the campaign over an unnecessarily long time, and it is for that reason, and others, too expensive. It is probably true that in actual practice the direct primary extends the time of the campaign, although there is no limit of time that a candidate for office can spend in his campaign. He can put in all his time if he desires, whether he is campaigning for a nomination at a direct primary or for a nomination at the hands of a convention.

The advocates of the convention system claim that the convention is as representative of all the people as the direct primary. If this be true, then it will require as much time to secure a nomination at a convention as it would at a primary. If the convention is really representative of all the people, and carries out the wishes of the people, then the campaign in one case would be as long as in the other. The candidate, to get the nomination, would undertake to reach as many voters as possible, the difference being that in the case of the primary, when he had convinced the voter, he would have nothing further to do, while in the case of a convention nomination he would first convince the voter in order that the voter might select a favorable delegate, and then put in a lot more time to see that the delegate carried out the wishes of those whom he represented. The result, therefore, so far as time is concerned, would be favorable to the direct primary. Of course, everybody knows this is not what

actually occurs in the case of the convention system. The bosses who control conventions are the only ones necessary to secure the nomination. They manipulate the convention so as to bring about the desired result.

In actual practice it has been demonstrated that the direct primary is not expensive. The expenditure of enormous sums of money to secure the nomination deserves righteous condemnation, and there have been many glaring incidents where this condemnation has taken place. There is no doubt but that there are many cases both in the primary and under the convention system, and likewise at the election, where the expenditure of large sums of money has been instrumental, and in some cases the predominating influence, in securing nominations and elections. It is an evil that I do not believe can be entirely eliminated, but it is not confined to the primary. It applies equally to the convention and to the general election. The man with money has an advantage over the poor man. This is true in politics as it is in business. The remedy lies in the enactment of stringent corrupt practice acts. The law should limit the expenditure of money for the purpose of securing nominations either at a direct primary or at a convention. It should prohibit expressly the expenditure of money for some of the practices indulged in. It should provide for the most complete publicity of all expenditures. These publications should take place both before and after the election. The violation of any of these laws should make the nomination or the election absolutely void. Political advertisements should, in my judgment, be prohibited by law. Contributions to religious and charitable institutions should likewise be prohibited. Proper criminal penalties for violation of the

law should be provided. It should perhaps be made the duty of some specific official to prosecute violations of this statute, not only against the successful candidate if he is properly charged, but in the same way against any other candidate at the direct primary, before the convention, or at the election. One of the difficulties with this kind of statute has been that prosecuting officials have not been called upon to act especially against the man who had been defeated, and it sometimes happens that the defeated candidate, being as guilty as the successful one, is so anxious to cover up his own violation of law that he is therefore not in very good condition to prosecute his opponent.

It might be a good precautionary measure to provide by law not only that reports shall be made but that candidates, officers of committees, and managers of campaigns should be required to submit themselves to cross-examination upon the filing of such reports, with a view of uncovering any violation of law that might have taken place. One of the difficulties in the enforcement of such laws at the present time is the party spirit and party responsibility. Where both parties are guilty, it is difficult to get anyone to father the responsibility for a prosecution. If party responsibility were eliminated, and party regularity not considered almost a divine attribute, many of these illegal acts would be brought to light that are otherwise concealed and covered up.

Complete publicity will go a long way toward relieving the evil. The intelligent citizen revolts at the expenditure of large sums of money for the purpose of controlling election, either direct primary or general, and the people themselves will do a great deal toward punishing those who are guilty of the offense. The expenditure

of large sums of money in any honest campaign is not necessary, and the intelligent citizen knows this, and will condemn the man who indulges in it. From my personal acquaintance with public officials, I am satisfied that the direct primary has been instrumental in putting more poor men into office than the convention system. I have no doubt of the truth of this statement. I think the United States Senate is a demonstration of this proposition. There are a great many members of that body whom I could name, who would not be there if it were not for the direct primary, and most of them are poor. I have no doubt if the truth were really known, that candidates for office have spent more money under the convention system than under the direct primary. But that is not the only recommendation of the direct primary nor the only objection to the convention method. The public official who has to be nominated at a convention knows very well that in order to retain his place he must become a part if not the head of a political machine. He must keep this machine oiled all the time he is in office. He must obey the mandates of those above him in order to secure his share of patronage, and he must use this patronage to build up his machine. In other words, he trades public office for political support. It costs no small amount of both time and money to keep his machine oiled. He must either pay it himself or become obligated officially to someone who does. The result of it all is that the public gets the worst of the deal. Appointees are selected entirely upon their ability to control the politics of their communities, and not with regard to their qualifications for office. We have, therefore, poorer government at a greater expense. The public are paying the salaries of incompetent men

who use their official positions to keep the machine in control. On the other hand, the public official who depends upon the direct primary for election is responsible to the rank and file of the people themselves. He can defy the machine and take the question directly to the people, and if he possesses the courage of his convictions, he will not do this in vain. This relieves him entirely during his occupancy of the office from the taking up of a large portion of his time in looking after his machine. He can devote his energies and his abilities entirely to the welfare of the country and to the performance of his official duties.

It might not be out of place in this connection to relate my own personal experience. I have been nominated several times for the House of Representatives and twice for the Senate. Both times when I was a candidate for the Senate I had very active and spirited opposition. My nominations cost me, as I remember it now, less than five hundred dollars on each of these occasions. I know that if I had undertaken to secure a nomination at the hands of a convention, I would have been defeated had I not spent many times this sum of money, and probably would have been defeated anyway. In neither of these campaigns, so far as I was able to see, was I handicapped on account of money. In looking back over it now, I do not see where I could have legitimately spent more than I did.

DOES THE DIRECT PRIMARY LESSEN DELIBERATION AND INTELLIGENCE IN THE SELECTION OF CANDIDATES?

Another objection made to the direct primary is that it takes away the deliberation which the convention system affords, and that therefore the primary does not give the proper opportunity for an intelligent selection of candi-

dates. This objection is not true. The convention does not afford any opportunity for deliberation. It is a place where trades are made and not where judicious selection of candidates is indulged in. In a state convention, for instance, where there are a large number of candidates to be nominated, a candidate having behind him the delegates of a county or a group of counties will throw these votes anywhere, to any candidate, for any office, except the one for which he is a candidate. The candidate who secures the nomination is the one whose manager has been the most successful in making these trades. This manager does not ask the delegates behind some candidate for some other office anything about the qualifications of their candidate. He wants to know how many votes he can get for his candidate if he will throw his delegation in favor of the candidate for some other office. No question is asked on either side as to qualifications. Political bosses are often instrumental in having candidates get into the field for some office, not because they want to nominate the candidate, but because they are anxious to fill a particular office with a particular man, and they therefore try their best to get as much trading stock in the field as possible. The convention usually does its work in one day. It would be an impossibility, even if delegates were seeking men with particular qualifications for particular offices, for them to ascertain the truth within the short time in which a decision must be made. A political convention is anything but a deliberative body.

There are always, of course, many delegates in all conventions moved by the highest of motives and doing their best to nominate good men for all the offices, but as a general rule they are in a small minority. The convention system has been condemned by an

enlightened citizenship after a long and wearisome trial. This fact is so well known and understood by the people generally that its defense is almost a waste of words. The direct primary system, while by no means perfect, gives much more opportunity for intelligent selection. The citizen in his own home has weeks of time to inform himself upon the qualifications of the various candidates seeking the primary nomination. He does this deliberately. He has no opportunity to make a trade. He decides the question upon what to him seems to be the best evidence. As the citizen becomes used to the direct primary, he takes greater pains to inform himself. The direct primary tends to educate the people. They get together and discuss the qualifications of the various candidates at the meetings of different kinds of clubs and organizations. They do this in no partisan way, but in an honest effort to secure the best nominees. This means that the electorate is constantly improving itself, and while improving itself, is improving the government by selecting better candidates for office.

PRIMARY SOMETIMES RESULTS IN MINORITY NOMINEE

Another objection sometimes urged against the direct primary is that sometimes the nominee does not receive a majority of all of the votes. This is true. It is a defect that ought to be remedied, but those who urge this objection give it as one reason for abolishing the direct primary and going back to the convention system, and yet the same objection applies to the convention system. Who is able to say in any case that the nominee of a convention is a choice of the majority of the members of a party? There is no machinery in the convention that will disclose whether or not this is true.

Why is it that those who are opposed to the primary will not be fair in their argument? If the direct primary should be abolished because the nominee is sometimes voted for by only a minority, then likewise, the convention should be abolished because there is no way of telling that the nominee is favored by a majority of the party. This objection applies both to the convention and to the direct primary. By what logic can it be urged therefore, that the primary should be abolished and the convention reëstablished? As far as I am able to see there is no way of relieving this objection as far as it applies to the convention, but there is a way of at least reducing the probability of a minority nominee in the primary. If the primary law provided that the voter could express both a first and a second choice we would have gone a long way toward the elimination of this objection. If the law provided that in case no one received a majority of all the votes cast, that the second choice of the voters as to all candidates except the highest two should be counted, this would in most every case give the expression of a majority of the voters. In my judgment such a provision ought to be included in every primary law. Even without this provision this objection is no greater against the primary law than it is against the convention, but with it, it gives the primary a great advantage over the convention in this respect.

PRIMARY ABOLISHED IN SOME STATES

It is alleged that the direct primary has been abolished in several of the states after giving it a trial. The intention seems to be to convey to the public the idea that those who have given the direct primary a fair and honest trial, have reached the conclusion that it is not practical, that good results are not obtained therefrom, and

that the people have voluntarily gone back to the convention on the theory that this system is after all superior to the direct primary. Those who offer this objection boastingly refer to New York, Idaho, South Dakota and Nebraska as instances where the direct primary has been discarded and the people have returned to the old convention system. Again our opponents are unfair, again they tell only half of the truth.

In the state of New York, the legislature repealed the direct primary law insofar as it related to state and judicial officers. The repeal was urged very strongly by the governor. This repeal was an issue in the last election. The party that was successful in that election incorporated a plank in its platform promising to reestablish the direct primary if they were successful at the polls. The result was an overwhelming defeat of those who were instrumental in repealing the primary law. The governor, at whose instance this action was taken, was defeated by one of the largest majorities ever given to a governor in that state. The people spoke with no uncertain voice at the very first opportunity and overwhelmingly defeated those who were responsible for the repeal of the primary law.

In the state of Idaho, where the direct primary law was repealed by the legislature, the matter likewise became a leading issue in the next campaign and as a result those who favored the reenactment of the law were successful, and the new legislature of Idaho is pledged to reenact a primary law.

South Dakota has had a very peculiar primary law. It has been repealed, modified and reenacted several times, and as I understand it, they still have a primary law with some modifications providing for a convention as well as a primary. In my judg-

ment it is far from being a workable and practical law. It provides for a great deal of useless and unnecessary machinery, brought about from the fact that the law still retains the convention. Its weakness is that it does not get entirely away from the convention, but every vote that has been had in South Dakota indicates that the people are favorable to a direct primary, and that they will without doubt eventually secure a fair and workable law.

In Nebraska the legislature at its last session repealed the direct primary as it applied to part of the state officials. In that state, the constitution provides for a referendum, and when this law repealing the direct primary was passed, the proper petitions were circulated and filed by which the repeal was stayed until the matter could be referred to the people at a general election. When this general election was held, the repeal of the direct primary by the legislature was repudiated by an overwhelming and crushing majority, so that the direct primary in Nebraska still stands.

I know of no state that has given the direct primary a fair and honest test that does not consider it far superior to the old convention system. These cases that are cited by those who oppose the direct primary to show that the people are dissatisfied with it and have repudiated it, are in every case, so far as I know, completely answered by the people themselves. They have in every case repudiated the action of the legislature. While the people may not always be satisfied with a direct primary, they are nevertheless much better pleased with it than with the convention system, and there is no danger after having once tried a fair primary that an intelligent people will take a step backward to the convention. The fight for the direct primary has always been a bitter one. Those

who advocate it have at every step had to contest the way with political machines, and all of the power and resourcefulness of these machines has been used to defeat the direct primary. Where they have not been successful in defeating the law, they have sometimes succeeded in keeping in the law objectionable features, placed there often for the sole and only purpose of making the law objectionable.

CONCLUSION

It can be safely stated that the great majority of the American people are in favor of the direct primary, and that politicians, men seeking a selfish advantage, political machines, and combinations of special interests, constitute the vast majority of those who are opposed to it. It has some objectionable features, but upon examination it is found that practically every one of these applies with equal force to the convention. Many of these objections can be entirely eliminated as far as the direct primary is concerned, and practically all of them can be partially eliminated. The direct primary re-

lieves the party and party machinery of a great deal of its responsibility, and places this responsibility upon the individual voter. The intelligent American citizen assumes this responsibility with a firm determination of performing his full duty by informing himself upon all the questions pertaining to government. It therefore results in a more intelligent electorate, and as this intelligence increases, it results in better government. Experience will bring about improvement as the necessity is shown to exist by practice. It will not bring the millennium and it will not cure all of the defects of government, but it will relieve many of the admitted evils and act as a great school of education for the common citizen. The artificial enthusiasm created by the convention system which makes it easy to deceive the people will give way to the enlightened judgment of reason that will pervade the firesides and homes of a thinking, patriotic people. A citizenship that is sufficiently intelligent to vote at a general election will never surrender to others the right to name the candidates at that election.

Defects in the Direct Primary

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THE most significant fact revealed by a study of the direct primary is that one cannot carefully view it in theory and practice from its various angles without a hesitating skepticism as to its merits and defects. Concerning no political question is thoughtful opinion more divided. Though this great experiment in popular control has been in operation under our very eyes for three decades, the conclusions concerning its virtue vary from a faith which sees in it the near approach of the political millennium, to a pessimism which foreshadows the end of the present form of democracy. Neither has public opinion nor have legislative bodies come to any definite conclusions concerning the value of the primary as an agent to bring government nearer the people.

New York, one of the first states to adopt the direct primary idea, has returned to the convention system for the nomination of candidates for the United States Senate, for elective state officers and for justices of the Supreme Court; while representatives to Congress, to both branches of the state assembly, to county and city offices are still chosen in general at the direct primaries. Opinion as to the wisdom of this change is as diverse as the methods of nomination itself. Idaho has tried the direct primary, found it wanting and has returned to the convention system for state officials with apparently general satisfaction in the return to the simpler method. Limitations upon space forbid an extensive account of the recent changes in the states, but it is safe to say that at present in most of the states

where the direct primary has been state-wide and applying to all elective offices within the state, there is a general movement to return to the convention system either for general state and judicial offices, or for a modification of the law in some form toward a deliberative process such as a convention affords.

Nor can it be truly said, as many writers assert, that the opposition to the primary comes almost entirely from the politicians or machine men of the party. It varies with the state and the interests affected. In South Dakota we have perhaps the best example where the politicians and the machine organization have attempted to defeat the will of the people. There a struggle of eighteen years against the machine resulted in what seems to be a victory for the politicians, for during that period four direct votes of the people in favor of a real direct primary were as often set aside by political manipulations of doubtful methods and even by court decisions. But to say that opposition to the direct primary always or even generally comes only through sinister influence, is to simplify the problem beyond recognition and come to conclusions that a study of the undercurrents of the movement does not justify.

REASONS FOR OPPOSITION TO PRIMARY IN CALIFORNIA

A summary of opinions collected last summer from some of the most representative and thoughtful men and women in various parts of California, where the primary idea in some form

has been in operation for half a century, stated in general terms, bases opposition upon the following facts:

- (1) that it lowers party responsibility;
- (2) that it breaks down the party-government principle;
- (3) that it is too expensive;
- (4) that the campaign extends over too long a period of time, thus taking too much time of candidates seeking reelection that should be devoted to the duties of their office;
- (5) that it results in government by newspapers, and,
- (6) that it creates a ballot that makes intelligent voting impossible.

All of the above are valid reasons for opposing the direct primary; and, it may be said in passing, too little attention has been given by those interested in good government to these phases of the problem, for they involve principles that are fundamental. Moreover, one may readily admit that opposition to a defective device or system, adopted to secure popular control of government, does not imply a desire to return to a former system equally bad. But the first essential to any improvement of present conditions is a recognition of the terms involved in the problem. With this in mind, I shall attempt in this paper to deal with principles rather than with statistics of votes, employing the latter only by way of illustration.

WHEREIN THE PRIMARY HAS FAILED

But whatever the defects or merits of the primary have been or may be in securing party responsibility and through it government responsible to the people—a *sine qua non* to all good government—it is not likely that the present primary laws will be generally

repealed and the convention system in its old form adopted in its place. Of some things, however, we may now speak with comparative certainty. The primary has not fulfilled the expectations of its early advocates; it has not brought forward better candidates in general; it has made elections more expensive; it has not increased the popular interest in elections to the extent that was anticipated; it has not rid our political system of the boss; it has made it easier for the demagogue; it has degraded the press; and most important of all, it has, by adding a long list of names to the ballot, made it impossible for even the most intelligent and conscientious citizen to express a discriminating choice at the primary polls.

THE PRIMARY BALLOT IN CLEVELAND

Why, one is inclined to ask at the outset, even discuss the question of party responsibility or quality of candidates, or any other question pertaining to popular control of government, when the chief agency through which the voter has access to his political institutions is so cumbersome that he cannot operate it? Why theorize concerning the results of a system which in fact cannot be applied to the purpose for which it is intended? For example, in the last Ohio primary (August 8, 1922) the voter of Cleveland who received the Republican primary ballot was asked to choose candidates for 43 offices from a list of about 175 names. The choice included one candidate for governor out of a total of nine candidates; one lieutenant-governor out of eight candidates—in these offices not an impossible task; but it also included a selection of six senators out of twenty-four candidates, and sixteen representatives out of eighty candidates; and in both of these cases obviously

an impossible task was imposed, when one considers the total number of names on the ballot and the five-minute time limit that may be imposed upon each voter in marking the ballot. While the illustration here given is taken from the largest city in the state, similar situations present themselves in Cincinnati, Toledo, Columbus and Dayton; and in village and rural communities the difference in favor of a more intelligent vote is one of small degree.

IN THE VILLAGE OF OBERLIN

A somewhat extensive personal inquiry among the voters in the village of Oberlin, having a population of about 5,000, revealed the fact that not a single voter who was asked whether he had been able to make a discriminating choice for every office on the primary ballot answered in the affirmative; not even the members of the party committee, though their knowledge of the candidates was more extensive than that of the average voter, could give adequate information concerning all of the names on their own party ballot. These are facts that must be faced in every consideration of the question of party responsibility, and in every attempt to bring government more directly under popular control; for the conditions imposed by these facts must be overcome before even the most enlightened electorate can gain access to those who control and administer the institutions and laws of a community or state.

PARTY RESPONSIBILITY

Party responsibility seems to have been lessened by the fact that in destroying the power of the machine it has taken the core of the party. This is shown by the practical disappearance of the Democratic Party from Wisconsin, where the political contest is now waged

between the Progressives headed by LaFollette and the old-time Republicans who were defeated in the last primaries. It has also lowered party cohesion and therefore responsibility, by taking from the organization the power of selecting candidates, thus causing a general loss of interest in the final outcome of election. When every one may easily become a candidate, interest wanes by the mere fact of numerous names of uninteresting and commonplace candidates who appeal neither to the imagination nor the intelligence of the average voter. The professional politician who runs for office makes an appeal to party loyalty through methods which, however unethical or degrading they may be, at least make for party spirit and devotion to the cause of an historic tradition connecting itself with Lincoln or Jackson.

EFFECT ON PARTY ORGANIZATION

The very idea, in fact, of the primary is based upon a revolt from the organization. In the very nature of the case, where the organization does not select the candidates it does not and cannot be held responsible to the voters for the quality of candidates selected, nor for their faithful performance of duty while in office. From an extensive inquiry among practical politicians, from those who favored and those who were opposed to the primary, I have found a general agreement to the effect that the primary tended to break up parties, weaken the party organization and therefore to dissipate responsibility. That this is true may be seen from the fact that where a candidate is strong enough to get himself nominated against the wishes of the party organization, he invariably appeals not only to the voter of his own party, but also to the independent and even the opposition

party. Thus in the last election in Ohio, a candidate for the General Assembly who received the nomination on the Republican ticket at the primary, sent one of his workers to a Democratic political meeting to appeal for votes. The fact that such a candidate is refused the endorsement of the party leaders in the machine organization necessarily makes for non-cooperation.

IS THE PARTY SYSTEM DOOMED?

An important question then, in view of actual operation of nominating methods, is whether party organization and the party idea of government still have that sustaining virtue claimed for them which enables the average voter to get access through the party to the political institutions of the country, which in theory he is supposed to control. There are those who frankly say that the party system in the old sense is doomed and that some other institution or system will take its place. Nor is such a position without reason. There are evidences at hand to support this view in every country where the party system prevails; and while a general discussion of party government in foreign countries would lead us too far afield, it would be interesting and instructive to analyze the causes and motives for the formation of "blocs" and "coalitions" on the Continent and in England today. There may be nothing absolutely new under the sun, yet it may be seriously doubted whether a mere "post-war" allusion explains the motives that underlie the fall of dynasties, the quick change of ministries and the disregard of the representative idea of government as manifested in Soviet Russia. It is, of course, not strange that many of the governments of Europe could not long survive the cataclysmic crises of the Great War.

But the careful student of current politics, while he may be unable to explain, cannot fail to observe in the chaos of the political world today something very foreign to the old political order, whether for good or ill history alone can tell.

EVIDENCES OF PARTY DISSOLUTION

Confining our observations to party responsibility in America, it may be instructive to examine the motives or forces which under normal conditions unite men into a political party. Aside from the general tendency to react to a common stimulus, which may be in many cases neither more nor less than a desire to be on the winning or popular side; or aside from the inability to overcome the fatalistic trend of the multitude so difficult in all popular governments, what has hitherto kept a party together? Professor C. E. Merriam, in his excellent work on *The American Party System* summarizes the motives of party action as "habit, response to leaders, personal or group interest, economic or otherwise, the sense of community responsibility, the response to the appeal of the formula, specific gratification of desire for political-social contacts."

DISREGARD OF PARTY BY CERTAIN CANDIDATES

But even if we accept these varied motives as the cohesive power that makes for party unity and party spirit, the reason for adherence to a particular party is still unexplained; for similar motives might be urged as a cause for a break or revolt from a party instead of adherence to it. Why, for example, in the recent primaries in many states, have Republican or Democratic candidates at primaries rebuked their respective parties by the advocacy of principles which in no way, other than name, conformed to the tradi-

tional views held and advocated by the party leaders? Beveridge of Indiana, Pinchot of Pennsylvania, LaFollette of Wisconsin and Brookhart of Iowa, while accepting the Republican name in aspiring to office, were to all intents and purposes independent of the Republican tradition and might have called themselves more accurately, leaders of a Liberal Party.

To what extent is the Republican Party, in any of the four states mentioned, responsible for the action of these men either in the chair of governor of a state or in the United States Senate? That is, after all, the question that requires an answer if party responsibility is to be properly estimated. The difficulty in answering this question will become more obvious if we remember that Brookhart of Iowa made his campaign for the Senate on three main issues: (1) the repeal of the Esch-Cummins Transportation Law; (2) an attack on the Federal Reserve Banking System which he blamed for many of the farmer's financial troubles, and (3) "for laws to encourage coöperative control of production, credit, marketing, and buying by organized agricultural and industrial labor."¹ Whatever the motives may have been that led the Iowa voters to cast 42 per cent of the total votes cast for six candidates at the primary for Colonel Brookhart, the cold fact remains that in his first mentioned issue he openly attacked a Republican measure; in his second, he scored an institution inaugurated by a Democratic administration now under Republican control; and in his third plank, he borrowed from the Non-Partisan League. All this in a state that had long been Republican and gave President Harding nearly 400,000 majority. Nor is Brookhart's case an isolated example where party organization and party allegiance were

disregarded by the successful candidate and an appeal made directly to the electorate. In municipal politics we already have a non-partisan system in both the primary and the general election, and in many states the primary laws have been modified to remove the candidates for judicial office from the party column.

TENDENCIES IN ENGLAND

That the tendency to revolt against the present party system as such, does not have its entire explanation in local or geographic areas but rather in the spirit and tendencies of the times, whatever the cause, is also seen in recent political theories which break sharply with traditional methods of political action. And in some countries practice has followed closely upon the heels of the theorist. Two years ago there was an attempt in England to return to the two-party system led by Asquith and the Cecils, but recent events in the United Kingdom give little evidence of a return to the party system of Gladstone and Salisbury. Who knows but that in the not distant future, at least in the two great democracies of the world—England and America—candidates will disavow party organization entirely, and on the basis of issues alone, will appeal to an enlightened plebiscite in utter disregard of the present party system? In America, however, that will be possible only when the complex encumbrance now called the primary is abolished or so modified as to enable the voter to distinguish through a long list of names, the vital issues which he seeks to impose upon those who govern.

PARTY SPIRIT IN AMERICA AND ENGLAND COMPARED

At all events we need not consult election statistics to know that where primaries involve the nomination of

¹ *Nation*, Vol. 115: 466, Nov. 1, 1922.

numerous non-political offices or of decisions which the masses are incapable of making, it will fail to increase party responsibility. It is a question, then, of whether the party system under American conditions is more effective as a means of registering the popular will, than an irresponsible combination of fortuitous circumstances, which place in nomination men whose chief claim to office is that they were the choice at the primary. Unfortunately, the significance of the party in America is so little understood by the average voter that the primary, which has done much to destroy party cohesion and party action, is extolled for the very qualities which should condemn it. It is still the fashion among a large number of the so-called "intellectuals" to stand aloof from party organization as something to be despised.

This attitude is due in part to a confusion of two separate and distinct ideas designated by terms, which, on account of the similarity of sound, are thought of as conveying similar ideas. The terms are *party* and *partisan*; and it is easy to ascribe to the party-man qualities of mind which permit his party to think for him, which he regards as aspersion upon his independence. This attitude of the American citizen toward the party stands in striking contrast to that of the English citizen, who is not ashamed to be identified with a party having able leaders. Nor are these two attitudes without reason. The English voter who follows a leader, usually follows an idea which may rise to the dignity of a philosophy of life as well as a real policy of state. If that leader be a Burke, a Cobden, or a Bright, adherence to his cause will be a mark of distinction capable of the best thought. We need only to reflect upon the history of the free trade movement in England to be

assured of this fact. The political apothegm "when in doubt, kick Cobden" had an entirely different significance in English political life than the accusations against Tammany Hall or the Philadelphia Gas Ring in America, while a membership in the Ku Klux Klan would scarcely have qualified one for membership in the Cobden Club.

Before any nominating system in America will enlist the interest of the average voter, the entire attitude toward parties as factors in government must be changed. No institution will command the obedience or respect of mankind that is not rooted in honorable traditions, or does not rest upon a recognized moral principle of high endeavor. However low the actual range of political action may be, however dark the current of its daily life, the average voter will hesitate to identify himself with an institution which he feels is not approved by the best thought.

ESSENTIALS TO RESPONSIBLE GOVERNMENT

But aside from the complex organization and methods of nomination, and the general absence of a party spirit to supply the necessary cohesive force to maintain party discipline, and reform the party from within the organization, there is no clear conception among the majority of voters of the essentials necessary to a government responsible to a political party; and without a common or popular conception as to the meaning, purpose and function of political institutions, leadership and responsibility in the true sense becomes impossible. Before considering this phase of the question, however, it may be well to state in general terms what the essentials to responsible government are. They may be placed under three heads:

(1) There must be, under whatever name or form it may appear, a political party comprising a majority of the electorate; (2) there must be means or devices adequate to a free expression and registration of the popular will; and (3) there must also be, on the part of the voter, a knowledge and an intelligence equal to the service he is called upon to perform, whenever he exercises the right of franchise.

Of these three essentials it must be admitted that the first obtains only partially; the second to a still less degree than the first; while the third essential, because of conditions imposed by the first two, is almost entirely negligible. There are, indeed, in addition to those here mentioned, other conditions necessary to a truly responsible party government; such as, for example, the complete absence of sinister exterior influences which tended to deflect the course to a free choice, and the presence of clearly defined issues. Passing over the minor conditions, however, and confining our attention to any one of the three major essentials mentioned above, we arrive at the conclusion that even the regular election, taken by itself, though usually less complicated than the primary, results in irresponsible government because of the confusion of issues with candidates; and the primary has aggravated the difficulty. It has raised high above the heads of the average voter a mechanism too difficult to comprehend and consequently too difficult to operate successfully. It has assumed the false premise that the problems of government depend for their solution upon a wider popular contact, rather than upon a deeper and higher intelligence. The cold fact that government is an extremely complex institution and that political intelligence is extremely simple, must ever remain as the anchor

of political reform; and progress towards good government must always be conditioned upon the fact that the electorate, though honest and of good intentions, can operate through the electoral franchise only the simplest forms of machinery.

THE BURDEN IMPOSED UPON THE VOTER IN CALIFORNIA

Measured by these standards which express the theory of party responsibility, let us turn to the practical operation of these institutions which are to give us a government subject to popular control. Examples from two fairly typical states may serve as illustrations of the impossible burden we have placed upon the electorate. The general election laws of California comprise a volume of 283 pages of very fine type, and although intelligent voting does not require a thorough digest of the entire election code, the mere extent of the regulations from nomination to final election suggests the extent of the burden imposed upon the electorate. The arguments respecting the amendments to the state constitution and the proposed statutes submitted to a referendum of the electors at the election of November 7, 1922, form a pamphlet of 144 pages. The proposed amendments and statutes formed 30 separate propositions for the state at large, with four additional questions for the county of Los Angeles. These propositions appeared upon a single ballot, measuring twenty-two by twenty-eight inches, together with the names of forty-nine candidates seeking thirty-one offices. Nor was the difficulty confronting the voter fully expressed by the number of items to be voted upon. Many of the legal propositions supplemented or repealed former statutes and amendments, and an intelligent vote, therefore, implied a knowledge of law and conditions far

beyond the face of the ballot. Where or how was the voter to get this knowledge? If he depended upon newspapers, broadsides and pamphlets with which he was deluged, his conclusions were in danger of being purchased by the highest bidder rather than by a dispassionate process of reasoning and observing. The *Los Angeles Evening Herald* of November 6, 1922, contained three very large advertisements against the so-called "Lawyers Bill," and the bankers were said to have spent \$150,000 to defeat the measure.

PRIMARY LAWS AND VOTING IN OHIO

The election laws of Ohio as compiled in 1920 make up a volume of 325 pages; and while here again intelligent voting does not require familiarity with the entire code, that part which in some form refers directly to the status and condition under which the right of franchise is exercised would by itself form about 100 pages. How intelligently this franchise was exercised at the last general election was shown in numerous instances; for the sake of brevity a single example must suffice. Of the three proposed amendments to the state constitution the one that attracted most attention, and the one upon which one would naturally expect the clearest expression of the popular will, was the liquor amendment, providing for the manufacture and sale of beverage containing 2.75 per cent alcohol by weight. The ballot was so worded, however, that many a stanch prohibitionist voted "wet"; and so far as I know, no one outside of a few tax experts is suspected of having cast a discriminating vote upon either of the other two proposed amendments, one referring to indebtedness and bond issues and the other to taxation.

The official figures for the last

(August 7, 1922) Ohio primary also form an interesting commentary upon this method of voting. While many states have apparently modified their primary laws upon the theory that direct nomination is least objectionable for county and local offices, the last Ohio primary election shows that in many cases county officials, to take a single example, were nominated by a large minority of the total votes cast. Thus in Lorain County, nine candidates running for the office of sheriff on the Republican ticket, received a total of 10,889 votes; but the successful candidate received only 3,064 votes, or about one-third of the total number of votes cast. Questions: Was he the choice of the party? Upon any conceivable theory of responsible government, what portion of the total voters of all parties in the county does he represent?

CONCLUSIONS

In conclusion I summarize the results of this study by saying that the direct primary has decreased party responsibility because:

1. It has tended to break down party organization and destroy united party action.

2. It has retained for popular nomination and election both administrative and policy-determining offices, thus creating a still longer and more incomprehensible ballot than we had under the old system.

3. By assuming that all public offices should be open to all citizens, it has encouraged the fallacy that all citizens are qualified; with the result that so many run for office that the average voter cannot detect who are not qualified.

4. It is illogical in that it accepts representative institutions and at the same time denies faith in them, by directing candidates elected to office,

instead of trusting them to their best judgment.

5. It assumes that the function of the elector is to govern, rather than to see that good government is enacted, by changing government from a Republican to a Democratic form.

"The spirit of democracy is corrupted," says Montesquieu, "not only when the spirit of equality is extinct, but likewise when they fall into a

spirit of extreme equality, and when each citizen would fain be upon a level with those whom he has chosen to command him. Then the people, incapable of bearing the very power they have delegated, want to manage everything themselves, to debate for the Senate, to execute for the magistrate, and to decide for the judges. When this is the case, virtue can no longer subsist in the republic."

The Direct Primary and Party Responsibility in Wisconsin

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THE difficulty with the investigation of this kind of problem is the lack both of objective evidence and a scientific technique of approach. Political science has been too much absorbed in purely descriptive, historical, or speculative work, to develop a really scientific methodology. It is indeed rare even to find discussions of political problems approached from a functional point of view. Most articles dealing with the direct primary, for example, have been merely descriptive of the laws involved, or systematic arrangements of a priori arguments pro and con. Rarely even has there been an attempt to analyze functionally the nature of the end to be attained, or to examine the appropriateness of the primary to the given task, or to check up its actual operation by objective evidence. There are, of course, conspicuous exceptions, but in the main the above observation seems to be correct. In the present discussion the author has attempted to secure all available evidence, but there is little to be found. What we need is to begin at once the attempt to formulate a scientific technique or methodology as a basis of a real science of politics. We need to know what facts and factors are pertinent in explaining our political experiences, and in seeking the methods of effective political control for the future. After we have reached some conclusions as to what facts and factors are important, we must then strive to develop a system for the observation, collection and recording of such phenomena, and we will then

have the basis of a constructive science.

As Professor Merriam has recently observed, there are tremendous agencies already at work such as the state and federal census bureaus and other statistical bodies, which could be easily utilized in the observation and recording of pertinent phenomena, if we only knew what matters were pertinent, and could urge upon them definite and concrete requests. Until some such action can be taken political science will not come into its own. We need not be surprised to find the statisticians or psychologists or some other learned group invading our field and rendering this constructive service to the public, which should be the special prerogative of the political scientist and in which he should find his fullest opportunity. These observations were again emphasized in the writer's mind by his experience in preparing this paper, and he submits them as a not entirely irrelevant approach to the consideration of the present problem.

As indicated by the title, the scope of this paper is limited to the operation of the direct primary law in Wisconsin and its relation to the doctrine of party responsibility. Only the statewide primary will be considered and all aspects of the primary law will be ignored except those that directly affect the operation or organization of party government within the state.

PARTY RESPONSIBILITY

While there have been almost as many theories of party responsibility

as there have been writers upon the subject, nevertheless there do seem to be a few rather definite dogmas, one or another of which is generally accepted among recent writers as part and parcel of the theory. In the first place the discussion of party responsibility in America generally proceeds upon the assumption of a two-party system. While there are always minor parties of varying degrees of strength, the struggle generally rests between the two great organizations. In those states where there is only one party of any considerable strength, the struggle generally lies between two factions of the dominant party. Except in unusual emergencies, the practical political instinct of the average American seems to rebel at the apparently futile investment of time or interest in minority organizations.

In the second place the doctrine of party responsibility is based upon the theory that the processes of popular government require certain extra legal activities on the part of the people, which the people cannot do directly as well as they can through the agencies of party organization. These activities are principally the nomination of candidates for public office, the conduct of the campaign, the promulgation of political issues, and the securing of harmony between the different departments of government.

"Our state constitutions provided for the election of certain state officers, but made no provision for their nomination. But popular election, unless restricted to a choice from a very limited few, becomes an obvious absurdity. When the author was attending the public school, it was decided to have all the school children march to the cemetery on Memorial Day. The boys in the author's class were asked to elect a captain to lead the march. A vote was taken by secret

ballot, without any opportunities for the scholars to talk it over and develop any consensus of opinion. The result was that out of about thirty votes cast, most of the pupils received one vote, and the boy who was elected received four. He was the most cordially disliked boy in the group, and secured his election by exchanging promises with three neighbors to vote for each of them if they would vote for him, and then finally voting for himself. No one could possibly say that the election was an expression of the group opinion. If there had been two or three candidates from whom the voters could have made their choice, another more representative body would have been elected. Nominations are thus essential to effective popular elections.

POLITICAL GROUP ORGANIZATION

"The people did not take long to realize that if they were to control the government of the state, they must organize into groups, according to political theories or prejudices, nominate a candidate and place the party label upon him, in order that the public might have a basis of judging him and of holding his group accountable for his conduct. It was the only way public opinion could function in the control of state government. Political parties originated in this very obvious necessity. Likewise, it was only through group effort that political issues could be formulated. The great mass of the people become articulate only when their leaders, seeking to interpret their thoughts and aspirations, formulate broad, general principles upon which they can vote with a 'yes' or 'no.'

"Moreover, the leaders soon observed a popular indifference and ignorance regarding political issues. If a group believing in certain political

concepts desired to cause them to prevail, it became necessary for them to carry on campaigns of agitation, education and suggestion to win adherents to their cause. This resulted in the development of much elaborate machinery for the purpose of winning popular support, while the waging of political campaigns became one of the important functions of the political party. . . . " ¹

Likewise, there remained the necessity of devising some means by which political harmony could be secured between the different departments of government. No constructive program is normally possible when the legislative department is controlled by one party and the executive by another. Likewise administrative friction of a very decided type is caused among the different executive heads of the state government when they represent conflicting groups, which is quite possible under our anomalous state system of decentralized administrative departments. These evils could be eliminated only by a system of party government, in which the voters chose between parties rather than persons, thus generally insuring the control of all departments of the government by the victorious political group, providing party harmony and making possible the achievement of any constructive program that the dominant party might be inclined and competent to undertake.

Finally, the real importance of having political parties to carry on these functions becomes evident only when we contemplate the inherent nature of popular government. Real democracy is not assured by the establishment of universal suffrage. It is only when

that suffrage represents a public opinion of the majority, and expressed within such limits of action as will secure the acquiescence of the minority that we have effective government by the people. For if the minority refuse to acquiesce, we have government by force and not by the people. This is dramatically illustrated by the present unhappy efforts of the Irish people to achieve democracy. Moreover, this public opinion which represents the majority must be a real opinion, with sufficient coherence, durability and vitality to exercise a controlling influence, for the time being, over the affairs of government. Unless there is a public opinion that can accomplish this, there is no popular control. Democracy becomes a myth, while the actual sovereignty passes to some despot, dictator, oligarch or ruling class. "There are many instances in Central America where dictators have aroused tremendous enthusiasm in behalf of democratic government, but it has rarely continued long enough to establish even a semblance of democracy. This popular manifestation was not real opinion, but merely a popular impression. Created by the authority and contagious personality of some dominant figure, there was no basic conviction of liberty, popular government, or orderly restraint with which the popular impression might establish a vital contact. There was no foundation of national unity, philosophy, or character upon which an enduring structure of democracy could be erected." ²

NECESSARY ELEMENTS OF PUBLIC OPINION FOR POLITICAL CONTROL

This brings us to a consideration of what are the constituent elements of a public opinion that has, to a sufficient

¹ Arnold Bennett Hall, *Popular Government*, pp. 66-68. Macmillan, N. Y., 1921. See also Walter Lippmann, *Public Opinion*, pp. 193-253. New York, 1922.

² *Ibid.*, p. 8.

degree, the elements of continuity and vitality that will enable it to achieve political control. Also what political problems come within its effective scope? President Lowell has given the best statement of the former. His theory is that public opinion that has the necessary qualities of stability to afford a basis for popular government, must, if it originate in the voice of authority or suggestion, as most opinions do, be in harmony with the established convictions and philosophy of the people. This does not guarantee the accuracy of the opinion, but it does insure for it a reasonable degree of permanence and power. But in order "that there may be a real public opinion on any subject, not involving a simple question of harmony or contradiction with settled convictions, the bulk of the people must be in a position to determine of their own knowledge, or by weighing evidence, a substantial part of the facts required for a rational decision."³

It follows from the above that a popular election is significant only in so far as it registers a real public opinion. If an election does not do so it amounts to naught. It represents nothing more than caprice, fancy or the accidents of chance. It carries no mandate to those entrusted with official power. It gives the officers no assurance of support in the execution of their policies or direction in the formulation of their programs. Public officers are judged by capricious and whimsical opinions, while the real sovereignty tends to vest in the hands of those most skilled in the art of demagoguery and of exploiting the ignorance and cupidity of the people. With the vast development in the art of advertising, with its capacity to control by suggestion, the hired makers of

publicity will yield a power almost impossible to conceive. Where, therefore, there is no public opinion there can be no popular control.

DOCTRINE OF POLITICAL RESPONSIBILITY

If this be true it seems clear that there should be no popular votes taken except on matters regarding which there can fairly be said to exist a real opinion. This places rather definite limitations to the questions and matters that may properly be submitted to a popular vote. If the question is one upon which there is no established fundamental convictions or philosophy among the people and if it involves matters outside the popular range of information, experience or thinking, there can be no real public opinion on the matter and a vote upon the subject will register only the passing fancies of the people and the accidental considerations of the moment.

It is here perhaps that the doctrine of party responsibility occupies its strongest ground. For under our system of government many matters have been left to the people which involve decisions on matters in regard to which no public opinion can exist. It has been the business of the political party to take up these matters, assume the responsibility for their proper treatment, reduce them into such simple forms that public opinion may operate upon them, and then leave the issues so simplified to the judgment of the people. It requires no argument to show that there could be no public opinion to function upon the selection of public officers without the aid of some nominating method. If the people of the state were asked on election day merely to go to the polls and vote for whomsoever they might desire, without any prior nominations or

³ A. L. Lowell, *Public Opinion and Popular Government*, pp. 18-22. New York, 1913.

campaigns of publicity, ordinarily there would be such a babel of tongues and variety of opinions that the winning candidates would have back of them a very small minority of the voters. The result could not be said to represent a true opinion. The decision as to who is the best candidate in the state is a question of fact, outside the range of information of the average voter, and not involving a question of theory or conviction that might harmonize or conflict with the voter's beliefs. A public opinion on such a question, under such circumstances, is thus practically impossible.

So with the formulation of public issues. The desires or aspirations of the multitude cannot become articulate save through the voice of leadership. No other means has yet been devised by which the mass of the people can express an opinion. The political party meets these two problems by nominating a list of candidates and promulgating a party platform. This is done by both the great parties and the voter has a definite issue submitted to his decision. Which list of candidates is the best? Which political platform is most entitled to respect?

Moreover, the two parties then proceed to carry on a campaign of popular education, bearing on the relative merits of the two tickets and the two platforms. These campaigns generally last for a number of weeks, with the result that the average citizen gains some ideas both as to the merits of the candidates, and the nature, meaning and value of the platforms. As between the two alternatives the voter generally is enabled to come to some kind of intelligent conclusion, and the final results tabulated on election day then tend to represent a real opinion. Thus the political party takes the original problems upon which public opinion cannot exist, reduces them to

specific proposals upon which the public may answer with a yes or no, places the public in possession of material facts, and thus subjects the ultimate question to the possibilities of decision by a true opinion.

Since the great majority of voters vote straight for one party or another, this generally assures automatically that the different departments of the government will be under the control of the same party and pledged to the same program, which will insure political harmony, the minimum of friction, and the possibility of working out a constructive program.

NEED FOR HIGHER STANDARDS

Someone will here object that under such a system, both parties may nominate worthless candidates, both may promulgate hypocritical platforms and their campaigns of publicity may be misleading and unworthy. All this must be admitted. It has frequently so happened. But there seems no relief other than a regenerated citizenship, eager and capable to compel the political parties to attain higher standards of performance as the price of popular support. These parties are usually managed by the most capable and astute politicians that their ranks afford. The first and controlling ambition of every political boss is to retain his hold upon official power. He can do this only by securing a larger share of popular support than is accorded to his political foes. The organization that can most unerringly give a majority of the voters what they want is destined to control the government. The ultimate struggle for good government is thus necessarily wrought out in this competitive struggle between the opposing parties for political support.

If the results are bad, and they frequently are, it is not due to the system,

but to the tragic fact that our citizens do not force the competitive struggle for votes into the higher planes of civic ideals and accomplishments. So long as impossible, hypocritical and conflicting promises will bring in a majority vote, there is little likelihood that practical politicians will find it either expedient or safe to carry the fight to higher planes of constructive statesmanship. It is quite common for politicians to desire so to do, but to be forced to a lower type of campaign performance in order to secure the necessary votes. Nothing will be accomplished in the way of permanent reform until we face these uncomplimentary but basic facts. To salve the popular conscience and provide the public with moral alibis for civic shortcomings by indiscriminating attacks upon politicians and parties is the most vicious type of demagoguery. For it prevents and postpones the only effective remedy, viz., a real civic awakening.

Nor is this all. As long as human nature and the laws of psychology remain substantially the same, popular government over areas as large as our states can be carried on only by political parties. So far as one can see, the civic activities of the voter will be confined to activities for party control within the party, and to his final choice at the polls between contending parties. No one yet, in any age, has found any better way of making the hopes and aspirations of the multitude become effective in the forms of political control.⁴ The inherent limitations on mass movements and public opinion are such, that, without some form of party government, democracy cannot exist. For the public to face these facts, to realize the tremendous mission

of the party, and to apply to the party in power the test of strict accountability for its stewardship, are the first steps in the improvement of our system of party responsibility, and in the intelligent approach to the solution of its problems.

THE DIRECT PRIMARY LAW

Having thus examined at some length the doctrine of party responsibility and its inherent place in the life of popular government, we are now ready to consider to what extent and in what way the functioning of this doctrine has been affected by the direct primary law in Wisconsin. This has been one of the hotly contested points in the whole discussion that was waged with some bitterness several years ago and that has not yet entirely abated.

It is significant to note that the importance and value of party responsibility has been admitted by both sides to this controversy.⁵

This leaves as the only matter of contention the question as to whether the direct primary law has in fact interfered with the normal and beneficent operation of the principle of party responsibility. This question will be discussed in connection with the arguments that have been made, to show the evil effects of the primary law upon party responsibilities and which seem to fall into four general propositions.

EVIL EFFECTS OF PRIMARY LAW

The first proposition is that the direct primary law has placed directly into the hands of the people certain functions, viz., the nomination of state officials, upon which a public opinion

⁵ Robert M. LaFollette, *Message to Wisconsin Legislature*, January, 1903, quoted in Paul M. Reinsch, *Readings on American State Government*, p. 388. Boston, 1911.

Emanuel L. Philipp, assisted by Edgar T. Wheelock, *Political Reform in Wisconsin* p. 83. Milwaukee, 1909.

⁴ Viscount James Bryce, *Modern Democracies*, Vol. I, pp. 119, 122, n. 1. 2 vols. New York, 1921.

cannot exist except occasionally in the case of the candidate for governor. Where the governor, or a man otherwise equally well known, is a candidate for reelection and there is only one other candidate, the people will frequently have sufficient information regarding the relative merits of the candidates so that the formation of a real opinion may be possible. But if neither of the candidates happens to be well known to the people, regardless of their ability or worth, or if there happens to be a large group of candidates, the possibility of the primary vote for governor registering a true opinion is extremely meager.

The chances of a real opinion are even more remote in the case of the candidate for other offices about whom the people are much less likely to be informed. The writer attempted to test this out by asking twenty-one audiences of about one thousand persons each in different parts of the state, how many of those present had any definite, authoritative information regarding the qualifications for candidates for state office at the last primary, not counting the candidates for governor or any candidate whose home might happen to be in that community. There were on the average of three to each audience, or one-third of one per cent. Surely no one would argue that such a vote could possibly represent true public opinion. What then, does the vote represent? Largely the factors of fancy, caprice, suggestion and the like. If unworthy candidates are selected, unless they are notorious, the public would not know until it was too late, and then there would be no one to be held accountable.

Under the convention system, these candidates would be nominated by a state convention, composed of delegates elected by the party voters. This convention would be composed mainly of

politicians, men who have made practical politics a subject of major interest, who make it a business to know the various candidates for office, and who are familiar with the type of men the offices demand. The state leaders would be there and this body of political experts—for that is exactly what they are—would confer, discuss, compromise, and vote until a majority or two-thirds had agreed upon a list of candidates. There is one thing upon which all practical politicians do agree, and that is the all importance of party success. Consequently, in selecting the list of candidates, the consideration of first importance is to secure a ticket that will win the public favor and give such an effective administration of public affairs as to insure the party's continuance in power two years hence.

LACK OF PARTY RESPONSIBILITY

Thus under the convention system party affairs are largely regulated by party experts, whom the people may hold to rigorous accountability for their conduct. A definite party responsibility is thus established, for the people always have it within their power to administer the stinging rebuke of political defeat, in case the party managers have abused their trust. But under the primary law no one is really responsible, for the work is not done by the group of party managers, but is attempted by the people themselves, who cannot be held to any effective responsibility, since it was a task for which less than one per cent were adequately prepared.

On matters of this kind, objective evidence is very meager, but we are not entirely without it. As is generally known, the main political fight in Wisconsin is not between the two great parties, but between the two factions of the Republican Party. One faction

is generally spoken of as the LaFollette faction and the other as the Conservative group. (In the last two years this latter group has been dominated by men who have chosen the name of Progressive Republicans.) In the interests of administrative harmony all the chief executive officers of state should belong to one faction or the other, and then that one faction could be held responsible for the state administration. As a matter of fact, there has been but one election since the adoption of the direct primary in 1906 when the five chief executive officers have been elected by the same faction, and that one time was in the LaFollette landslide of 1922. Under such circumstances there is neither party nor factional responsibility. Moreover, experience has shown that it was too much to expect that the political antagonism between these officers would not find expression in many ways positively detrimental to the public service. Such phenomena have very rarely appeared under the convention system, for the interest of each officer is generally identified with the party destiny and it becomes the selfish interest of both the party and the candidate to prevent friction and to give an administration that will please the public.

Again, this same lack of party responsibility is evidenced to a more alarming extent in the failure to establish a political unity between the legislative and executive departments, which is usually indispensable to a constructive legislative program. During three administrations since the direct primary law was enacted, viz., 1909, 1913 and 1921, there has been a governor of one faction and a legislature of another. Where the hostility between the factions is as bitter as it is in Wisconsin, the evil consequences of such a situation are apparent. In

those years there was neither party nor factional responsibility for the control of government, and if there was really a popular government in Wisconsin it would have been difficult to locate. Except under extremely uncommon circumstances such a situation would be impossible under a convention system. The author has been unable to find anywhere a parallel under the convention method of nomination.

LACK OF FOCUS BETWEEN ESTABLISHED POLITICAL LEADERS

The second line of argument that has been suggested to show the evil effects of the direct primary upon party responsibility is that the direct primary tends to focus public attention upon contests between irresponsible factions or outstanding political leaders, rather than between established political parties with their continuing responsibility.

The first question presented here is the question of fact; has the effect of the direct primary law in Wisconsin been to center interest as above indicated? This question is complicated by the fact that the Democratic Party in Wisconsin is decidedly a minority party, and was so before the days of the direct primary. Since 1890 it has elected only two governors (in 1890 and 1892) although there were a number of fairly close contests up until 1906, and only one close contest since and that one in 1912. In the last two decades the Democrats have carried Wisconsin once for the Presidency (1912) and elected one United States senator (1914). With so few hotly contested campaigns between the two great parties, it would be an easy matter for a spectacular contest in the Republican Party to overshadow the final election. So far as one is able to judge by the popular interest as it is

manifested during the campaign, such seems to be the fact, especially in recent years.

But would it not have been the case likewise if the convention system had survived? There seems no way of obtaining objective evidence on this question. The evidence does tend to show that during the period before the primary law, there was relatively more interest in the election and less in the nominating contests than in the period following the abolition of the nominating convention. Moreover, some allowance must be made for the fact that the struggle for the direct primary was coincident with the struggle of Robert M. LaFollette for the mastery of the Republican Party. When a man of such tremendous popular appeal enters such a struggle, it is bound to attract an eager interest regardless of what nominating machinery he has to use.

Nevertheless, when all these factors have been considered, it does seem that since the advent of the direct primary there has been a well-defined tendency for popular interest to shift from parties to factions and to personalities. This seems to be accounted for by two reasons. Under the direct primary, it must be the business of the candidate to arouse the interest of the people, for they alone are to judge his case. Publicity becomes the passion of the hour, for unless a man's name becomes known to the voters he cannot succeed. Under the convention system, however, attention is generally centered upon the delegates and party managers, and the public takes little active interest save in the ultimate results. The second reason is the feature of the open primary. The Wisconsin law makes it possible for any voter to vote in any primary regardless of what party he represents.⁹ Moreover, this

can be done without the knowledge of his party associates, since no one can know in what primary each voter cast his vote. This necessarily tends to arouse the voter's interest in the outstanding individual or factional struggle rather than in the control of his own party.

RESULTS

It is alleged in support of this argument, that this has three evil results: In the first place, factional responsibility is generally impossible to achieve, since under the direct primary it has so frequently happened that different departments of the government were controlled by different factions. This we have already found to be the case. In the second place, even though it is possible to establish factional or personal responsibility for the conduct of government, such responsibility is not organic or continuing, and does not have the momentum of organized responsibility which is essential to stable government and the working out of far-sighted reforms, and which is possessed by political parties under the convention system. Thirdly, when interest is focused on a factional fight in the dominant party, it tends to weaken the competing party until it is no longer an effective competitor, whereas real healthy competition between two contending parties is essential to the best conduct of government.

The first one of these three alleged evils we have already disposed of. The second alleged evil will now be considered. Where there are such well-defined factions as are found in Wisconsin, and when one of them is led by such a phenomenal political genius as Senator LaFollette, the question may well be asked: Why will not factional responsibility or the personal responsibility of the leader be sufficient to enable public opinion to func-

⁹ Wisconsin Statutes, 1921, Ch. 5, Sec. 5.13.

tion through them in the control of government? (This is on the assumption that under the direct primary Senator LaFollette or his faction, or some opposing leader or faction, could always secure the control of all departments, something that has happened only once since 1906. It does look now, however, as if it might quite regularly in the near future.)

FACTIONAL VERSUS PARTY RESPONSIBILITY

This squarely raises the issue of whether personal or factional responsibility, if possible, is as reliable a medium for public opinion to function through in the control of government, as party responsibility would be. Again it is difficult to find objective evidence that is relevant. There are, however, some facts of evidential value. In 1922 the faction opposed to LaFollette held a state convention in Milwaukee, adopted a ticket to support at the party primaries, went through the forms of setting up an organization and adjourned. Similar conventions have been held several times before on like occasions, but there has emerged from none of them a permanent political organization, capable of assuming the continuing responsibility of fighting for a program or of accepting the responsibility of one if entrusted with official power. Even when this group was successful in electing Governor E. L. Philipp to three successive terms, there was no definite organization to "carry on" when Governor Philipp declined to run again. They tried to nominate as his successor an outstanding and able man, but they could not succeed. Governor Philipp succeeded by virtue of his dominant personality and ability, and when the personality was removed, what was supposed to be an organized political movement disappeared be-

cause there was no political organization able to carry on the policies for which he stood. The public opinion that approved of Governor Philipp's policies had no means of self-expression, for there was no organization identified with those policies which they could seek to place in power.

Suppose something had happened to Senator LaFollette at any time since 1906 up to 1920, were his policies and political activities so identified with a well-organized, well-disciplined political organization covering the whole state, that public opinion would have had an immediate organization through which they could have continued those policies in control? The writer does not believe there was any such organization prior to 1922. On the other hand, if Senator LaFollette had been working under a convention system, what would have been the probable results? He would have had to have controlled, organized, and worked through the regular Republican machine, which he undoubtedly would have done. He might have had to make concessions here and there to hold his convention and prevent a bolt as public men must occasionally do. But in the unhappy event of his demise, under these circumstances, his policies and ideals would have been so identified with the Republican state machine that they would have carried on of their own momentum, so long as public opinion might desire.

Senator LaFollette has been so popular as a leader and so adroit as a politician that he has needed no organization for his political success. But his followers will want to see his influence continue long after he has gone. It is not enough that the memories of his deeds will linger long in the hearts of his associates. If they are to become articulate in the control of government, there must be either some outstanding

political genius like himself or a real political organization of established strength and ability, like a regular party organization, through which his followers may express themselves.

It is argued that an organization could be easily perfected, but such organization, disciplined and effective, cannot be organized over night. It takes years of association and common effort, under the stimulus of able leadership, to forge a party of sufficient strength and cohesive force to insure that harmony and continuity of action essential to the constructive control of government.

It is further argued that if either faction needs an organization at any time, it merely means a political struggle between the factions to secure the Republican organization. But there is no Republican organization in any effective sense. The primary law provides for a state central committee,⁷ but until the recent campaign it has not functioned for about a dozen years. The struggle has been between persons and factions, while party organization of an effective type has disappeared from the public interest. The writer believes that this has been a real loss to the cause of popular control, the real significance of which will not appear until the disappearance from political life of its dominant figures.

INTEREST IN DOMINANT PARTY
ACCENTUATED

The third alleged evil of diverting public interest from parties to factions will now be considered. This argument is that the direct primary by making party nominations a matter of public interest and right, tends to accentuate the interest in the affairs of the dominant party to the injury of the minority party. This would be likely to take place only where one

party is already so dominant that nominations are generally equivalent to elections, as in the case in Wisconsin. Happily this is a matter upon which there is objective evidence. Taking the percentage of Democratic votes cast in presidential years, and in off years for a period of sixteen years before and after the direct primary law, we get the following results:

YEAR	PRESIDENTIAL YEAR PER- CENTAGES	OFF-YEAR PERCENTAGES
1888.....	43	..
1890.....	..	51
1892.....	48	..
1894.....	..	37
1896.....	37	..
1898.....	..	48
1900.....	36	..
1902.....	..	39
1904.....	39	..
1906.....	..	32
1908.....	36	..
1910.....	..	34
1912.....	42	..
1914.....	..	36
1916.....	38	..
1918.....	..	33
1920.....	35	..
1922.....	..	10

These figures while significant are not conclusive. They show the Democratic Party to have weakened materially, particularly in the off years. Especially significant is the Democratic vote in 1922, at the time when the Democrats were making great gains generally they all but disappeared in Wisconsin. The difficulty in drawing conclusions from these figures is that they may not be due entirely to the direct primary but to other causes, the most conspicuous of which was Senator LaFollette's popularity which transcended party lines. It seems fair, however, to conclude that Wisconsin is rapidly losing a strong,

⁷ Wisconsin Statutes, 1921, Ch. 5, Sec. 5.20.

healthy, minority party, and that the direct primary is at least a contributing factor.

THE OPEN PRIMARY

The third general argument against the direct primary as destroying party responsibility is based upon one of the peculiar features of our primary law, viz., the open primary. As already observed there is no party test in the Wisconsin law and there is absolute secrecy as to which party ticket one votes in the primary election.⁸ It is argued that by this device Democrats may vote in Republican primaries in sufficient numbers to determine the result; which means that there can be no party responsibility for the simple and sufficient reason that members of other parties may determine party action. Moreover, it is urged that Democrats in voting in Republican primaries will be tempted to vote for the poorest candidate in order to insure a Democratic victory. Mr. Victor Berger in 1920 asserted that the Socialists voted in the Republican

delegate election to the national convention and that they claimed the credit for electing all of the LaFollette delegation save two. Such statements are difficult to check. An examination of the election figures showed that such might have been true in the case of several of the delegates but that it could not have been true of the whole delegation. To the extent that it may have been true, it made party responsibility for the delegates so elected nothing but a farce.

The table below shows the total Republican and Democratic vote in both primary and election and the percentage of the whole primary and final election vote cast by Republican and Democratic voters.

A survey of these figures shows that in every election save the exceptional one of 1912, there was a much larger percentage of the Republican vote in the primaries than in the election, while just the reverse was true of the Democrats, particularly since 1914 during which period the percentage of Democratic votes in the election was gener-

YEAR	REPUBLICAN VOTE IN PRIMARY		DEMOCRATIC VOTE IN PRIMARY		REPUBLICAN VOTE IN ELECTION		DEMOCRATIC VOTE IN ELECTION	
	Total Repub- lican Vote	Percent- age of Total Primary Vote of All Par- ties	Total Demo- cratic Vote	Percent- age of Total Primary Vote of All Par- ties	Total Republi- can Vote	Percent- age of Total Vote of All Par- ties	Total Demo- cratic Vote	Percent- age of Total Vote of All Par- ties
1906.....	170,526	82	29,842	14	183,558	57	103,311	32
1908.....	159,273	77	41,114	19	242,935	54	165,977	36
1910.....	190,967	75	48,270	18	161,619	50	110,442	34
1912.....	81,771	44	85,226	46	179,360	45	167,316	42
1914.....	124,461	58	72,962	34	140,787	43	119,509	36
1916.....	172,386	76	40,124	17	227,896	52	164,633	38
1918.....	192,145	78	28,340	11	155,799	47	112,576	33
1920.....	368,263	86	22,435	5	366,247	53	247,746	35
1922.....	500,620	92	19,108	3	367,929	76	51,061	10

⁸ Wisconsin Statutes, 1921, Ch. 5, Sec. 5.13.

ally several times as large as it was in the primaries. Does this show that Democrats voted in the Republican primaries and then returned to their own party in the election? Or does it merely indicate that a larger percentage of Republicans than Democrats were interested in the primaries, there generally not having been such dramatic contests in the Democratic primaries, and that a larger percentage of the Democrats than Republicans voted in the elections? There is no discoverable reason why the latter should be true. It would seem, therefore, that the most natural explanation is that many Democrats voted in the Republican primaries. While by no means conclusive, figures and reasoning seem to point definitely in that direction. To just the extent that members of one party can and do participate in the primaries of the other, it is obvious that effective party responsibility cannot exist.

COMPROMISE IMPOSSIBLE UNDER DIRECT PRIMARY

The final argument regarding the evil effects of the direct primary law upon party responsibility is that effective party-government requires a constant process of compromise between the different elements in the party, and that the direct primary makes compromise impossible in the selection of a ticket, and extremely difficult in the formulation of party platforms.

There are two reasons why compromise is essential in the nomination of candidates. The first is that compromise is necessary to majority control within the party, in case there are more than two candidates. Under our primary law, there have been five primaries in the Republican Party in which there were more than two candidates for governor, and in each

case the person nominated won by a minority vote. In 1910 the winning candidate received 43 per cent of the primary vote; in 1914, 35 per cent of the primary vote; in 1916, 49 per cent of the vote; in 1918, 39 per cent of the vote; and in 1920, 29 per cent of the vote.⁹ Moreover, the figures for 1914 are more significant than they appear on their face. The conservatives held a state convention and agreed to support Emanuel L. Philipp for governor, and he was the only conservative candidate. The LaFollette faction were not able to agree and while they controlled about 65 per cent of the votes, they could not nominate, with the result that while two-thirds desired a LaFollette candidate, their will was foiled. Under a convention system, balloting would have continued, gradually eliminating the minority candidates, until all the LaFollette delegates would have centered upon one candidate and the majority would have prevailed. It does not seem either reasonable or possible to hold a party responsible for its candidates when they may be nominated by a minority of the members.

The second reason why compromise is essential in the nomination of candidates is that unless there is such a spirit of accommodation and adjustment, the party will be driven upon the rocks of factional disaster, and party responsibility disappears. In a nominating convention, the majority, while insisting upon a candidate that supports their views, are generally careful to avoid candidates that are so extreme as to tempt the minority to bolt the ticket. In this way extreme candidates are generally avoided, and the coherent unity of the party is sustained. Under the primary system,

⁹ The law in Wisconsin provides for plurality nominations. Wisconsin Statutes, 1921, Ch. 5, Sec. 5.17.

where there is no chance for conference, adjustment and compromise, but where it is an individual scramble for votes, candidates representing the opposite extremes have frequently been nominated on the ticket. We have already seen how candidates of opposing factions have been on every state ticket since 1906 except in 1922. We have seen how the State Central Republican Committee has practically ceased to function for years because quite frequently the factional disputes between the committee and some of the candidates made united action entirely impossible. However, it is not fair to say that the primary law has created the factional differences in Wisconsin, for they were started before the primary measure was adopted. The most that can be said is that under the primary system there seems no hope of working out a definite Republican organization capable of assuming and bearing the full responsibility for the government, which every dominant party ought to bear.

It is probable that Senator LaFollette will be able to control all departments of state government for some time to come; but that raises the question already discussed above, as to whether a personal responsibility really provides adequate means for the continuing control of government in the interest of a permanent and constructive policy.

COMPROMISE AND PARTY PLATFORMS

The remaining question for consideration is the effect of the direct primary in retarding the forces of compromise in the framing of party platforms. Under the Wisconsin law all the candidates for state offices meet on the third Tuesday of September to draw up a platform and elect a state central committee.¹⁰ The question is presented as to whether such

a convention is as favorable to a genuine and honest compromise as the old party nominating convention. It is argued that since these conventions are composed of representatives of hostile factions, already nominated, and frequently representing the more extreme representatives of the opposing groups, and with none of the general spirit of party harmony and tradition that found expression in the old nominating convention, the spirit of mutual toleration, adjustment and accommodation finds little opportunity for expression. The facts seem to justify the argument. Again, caution must be urged against charging the direct primary with entire responsibility for factionalism in Wisconsin politics. Strong personalities and fundamental differences in political conviction have played their part. But if a convention system had been in vogue, there is reason to believe that these differences might have been mitigated instead of accelerated almost to the point of irreconcilable hostility. Regardless of where one's sympathies happen to lie in this struggle, it seems clear to the author, that the interests of the state of Wisconsin would be better served if there were a greater spirit of mutual toleration and understanding between the opposing factions. The spirit of irreconcilable factionalism is not conducive to the clearest-sighted statesmanship, or the most disinterested public service.

Moreover, it seems likely that had the convention system remained in force, the contest over conflicting political convictions would have found its ultimate expression in the readjustment of the lines of cleavage between the two major parties, and thus there would have been provided adequate machinery through which the public opinion of the state could have most effectively expressed itself.

¹⁰ Wisconsin Statutes, 1921, Ch. 5, Sec. 5.20.

IMPORTANCE OF COMPROMISE

This matter of compromise is a matter of prime importance in the opinion of the writer. The underlying assumption of democratic government is the capacity of the people to find a common purpose and a common aim through the agency of compromise. When a people has lost its capacity to accomplish that, it has lost its capacity for self-government. The Irish nation cannot achieve democracy until it has learned the genius of compromise. Without such a spirit popular control becomes majority-tyranny. Instead of an acquiescing, law-abiding minority, there develops a hostile, irreconcilable opposition. With a population like our own, divided into many groups as highly differentiated as they are, it is of the utmost importance to preserve and perfect the most efficient instruments of honest compromise that we have been able to produce. Some of the most constructive service that political parties will be called upon to render, will be to frame effective compromises between otherwise irreconcilable interests. This can frequently be better done in the secret counsels of the party than in the public debates of legislative halls. And when so formulated into specific proposals upon

which a real public opinion is possible, they will then be submitted to popular approval or rejection. Students of the labor problem are agreed that no effective compromise solution of specific conflicts between capital and labor can be effected, save through secret negotiations in which only the final result is given publicity. The same reasoning may occasionally apply to compromise measures in the field of politics. Whatever be the merits of the other phases of the direct primary, some method should be devised by which party responsibility can be preserved and the party's capacity to achieve effective compromises carefully safeguarded and secured.

In conclusion, there seems ample justification for the statement that the direct primary in Wisconsin has helped materially to break down the party system with its accompanying theory of party responsibility. It has done this by taking the functions out of the hands of the organization and placing them in the hands of the people; by diverting public attention from parties to factions and individuals; by permitting outsiders to participate in the control of party affairs by means of the open primary; and by making more difficult the processes of effective compromise which are essential to party cohesion and solidarity.

Opinions of Public Men on the Value of the Direct Primary

By WILLIAM E. HANNAN

Legislative Reference Librarian, New York State Library

FOR the purpose of arriving at the sentiment throughout the country upon the subject of the direct primary, four questions were submitted to the governors of the various states, to state political leaders in each state, to the editors of the two leading newspapers of opposite political faith in each state and to professors of political science in certain universities and colleges. The questions submitted were as follows:

1. Is the direct primary, in regard to state-wide officers, a success or failure in your state?

2. Would the direct primary be strengthened and made more effective by the adoption of the short ballot principle?

3. Is the party nominating convention, with delegates thereto chosen at a primary, preferable to the direct primary?

4. Is party responsibility, obtained through the party nominating convention, of more value to our system of government than the direct primary with its great reserve power which the people may use if they wish?

I. IS THE DIRECT PRIMARY A FAILURE OR A SUCCESS?

Opinions of Governors

With respect to this question, replies received from the governors of fourteen states show ten more or less in favor, and four opposed. The following governors sent favorable opinions: Thomas C. McRae of Arkansas, Democrat; Henry J. Allen of Kansas, Republican; Lee M. Russell of Mississippi, Democrat; Arthur M. Hyde of Illinois,

Republican; John J. Blaine of Wisconsin, Republican; Robert D. Carey of Wyoming, Republican; Davis of Virginia, Republican; and Albert O. Brown of New Hampshire, Republican, who takes a rather neutral stand.

A summary of opinions received shows that Democratic sentiment especially endorses the direct primary. Governor Russell of Mississippi, declares it to be "the only safe method." The experience of Nevada is particularly illuminating. This state, in 1909, adopted the direct primary and in 1915 went back to the party convention. Governor Boyle, a Democrat, says that the first convention held in 1916 so completely disgusted the people of Nevada that an immediate demand at once arose for the restoration of the direct primary. This was done in 1917.

Other governors declare that the type of official produced by the direct primary is satisfactory, and that its favor with the citizens is indicated by the opinion that the great majority of voters consider it a better method of choosing candidates than the convention system. It has also done much toward lessening the power of powerful political machines, and has rendered a satisfactory measure of service to the state.

Four of the governors take a negative stand on the direct primary. They are: Oliver T. Shoup of Colorado, Republican; Everett J. Lake of Connecticut, Republican; Samuel R. McKelvie of Nebraska, Republican; and Charles R. Mabey of Utah, Republican.

These men cite several significant facts as reasons why the primary is not satisfactory. First, it is cumbersome and expensive, and has failed to improve the calibre of the candidates. Furthermore, the system makes it impossible for any but a wealthy man to seek the higher state offices. That it is not practical, is indicated by the fact that the voter fails to give proper consideration to the selection of able minor officials, his attention being entirely absorbed by the major offices.

Opinions of Chairmen of Political Parties

Coming now to the opinions received from chairmen of the state central committees of the two dominant political parties, one finds that the bulk of sentiment holds the primary to be a failure. Opposed to the primary are M. H. McCalla, chairman of the Democratic State Central Committee of Arizona; Arthur Lyman, chairman of the Democratic State Central Committee of Massachusetts; J. E. Van-Horne, executive secretary of the New Jersey Republican State Committee; J. A. Harris, former chairman of the Republican State Central Committee of Oklahoma; J. N. Fisher, chairman of the Democratic State Executive Committee of Tennessee; Park H. Pollard, chairman of the Democratic State Central Committee of Vermont; R. F. Dunlap, chairman of the Democratic State Executive Committee of West Virginia and T. Blake Kennedy, chairman of the Republican State Central Committee of Wyoming.

Mr. McCalla of Arizona declares that the direct primary often results (1) in the nomination of incompetents; (2) in the nomination of the entire ticket from one locality; (3) in the violation of the principle of majority rule. Further expressions of opinion emphasize the fact that the direct primary

is a means of choosing men of doubtful integrity and only moderate ability; that it destroys party organization and encourages bitter campaigns among members of the same party. The voters, either through ignorance, irresponsibility or indifference, are not capable of making choices of as intelligent a nature as would be made at a nominating convention. Also, it is averred that the state-wide primary offers the demagogues the opportunity to stir up strife in party ranks and gives the unscrupulous newspaper a chance to poison the minds of voters against the leading candidates thereby furnishing campaign thunder for the use of the opposition in the regular election.

Favorable opinions are far in the minority. Burt D. Cady, chairman of the Republican State Central Committee of Michigan, says that the direct primary applies only to governor and lieutenant governor, and has proven a success. The other state officers are nominated by party convention. Alfred T. Rogers, a member of the Republican National Committee from Wisconsin, states that the primary law has been a great improvement over any other method used in that state. He believes that it would be impossible to take away from the voters this privilege of registering their individual choice for nominees.

Opinions of Newspaper Editors

The editors of prominent newspapers throughout the nation who replied to the questionnaire are quite evenly divided in sentiment, for and against. Those in favor are: Will Owen Jones, managing editor of the *Nebraska State Journal*; John H. Kelly, editor of the *Sioux City Tribune*; Harvey E. Newbranch, editor of the *Omaha World Herald* and the Hon. Josephus Daniels, president of the *News and Observer* of North Carolina.

Mr. Jones of the *Nebraska State Journal*, favors the direct primary because it has given the people more control of state governmental affairs, increased the feeling of responsibility of office-holders to the people, and has broken down powerful political machines. Mr. Daniels declares it to be a partial success. Other expressions of opinion point out that the direct primary is better than the system that it displaced, and that its claim to success lies in the fact that the voters have a greater opportunity to select the candidates than formerly.

Four editors are opposed. They are: Samuel S. Sherman, general manager of the *Rocky Mountain News* and the *Denver Times*; Milo M. Thompson, editor of the *Idaho Daily Statesman*; Charles B. Cheney, managing editor of the *Minneapolis Journal*, and Graham Sanford, managing editor of the *Reno, Nevada, Evening Gazette*.

These editors who oppose the direct primary do so on the ground that the majority party is the only one to use it, the other parties making back-room nominations and centering their efforts on the nomination of inferior opposition men; that under the system demagoguery flourishes and there is little chance to locate responsibility.

Opinions of Professors of Political Science

Of the twelve replies received from the professors of political science, seven favor the primary. They are: Victor J. West of Leland Stanford University; Allen Johnson of Yale University; P. O. Ray of Northwestern University; John A. Fairlie of the University of Illinois; Chester J. Maxey of Western Reserve University; Frank J. Laube of the University of Washington; and the professor of political science at Williams College.

They take their stand on the ground

that the direct primary is a decided advance over the old convention system. The officials secured under the direct primary are of as high a type, on the average, as under the old system, and in general they are of a better type because they are more social-minded, more representative of the people, and less representative of the special interests.

Argument in opposition is offered by Professor Robert Phillips of Purdue University. He holds that in Indiana the primary is less popular in its application to local offices than to state-wide offices. It is further unpopular because of the great expense entailed, thus barring the man without means. Professor Arnold B. Hall of the University of Wisconsin, gives several reasons why he objects to the direct primary: (1) It has broken down party responsibility and developed factionalism, due to the open primary; (2) it has resulted in minority control; (3) it has tremendously increased the expense of candidates. Karl F. Geiser of Oberlin College, and Isador Loeb of the University of Missouri, are also opposed to the direct primary.

II. WOULD THE PRIMARY BE BENEFITED BY THE ADOPTION OF THE SHORT BALLOT?

Opinions of Governors

Of the ten governors replying to this question, six give an affirmative and four a negative answer. The affirmative replies are from Governors Shoup of Colorado; Allen of Kansas; Hyde of Missouri; Dixon of Montana; McKelvie of Nebraska; and Boyle of Nevada.

Governor Allen believes that the short ballot would strengthen the primary. He states that the people will not take the trouble to become acquainted with the capacities of the candidates for the subordinate positions, and the places requiring technical

capacity can be filled better by the appointive system. Other expressions of opinion favor the short ballot for the following reasons: Good government comes from concentrating administrative power in the hands of the fewest number of persons possible, with the result that responsibility can be directly located; also, as a business proposition, the governor, charged with the duty of efficiently administering state affairs, should have the right to surround himself with heads of the coördinated departments, who would effectively coöperate with him in whatever administrative policy he might adopt.

The negative answers are given by Governors McRae of Arkansas; Mabey of Utah; Davis of Virginia; and Blaine of Wisconsin. Governor Davis feels that the short ballot is a questionable remedy for the ignorance of the voters in that it would slightly, but not materially, strengthen the direct primary. Others suggest the primary ballot is shorter than the election ballot, and therefore its adoption would not necessarily have a good effect.

Opinions of Chairmen of Political Parties

Five of these officers oppose the short ballot. They are: Mr. Cady, Republican; Mr. McCloud, Republican; Mr. Fisher, Democrat; Mr. Pollard, Democrat; and Mr. Kennedy, Republican.

These men give as reasons for their opposition to the adoption of the short ballot the fact that to give to the chief executive power to appoint subordinate state officers, is contrary to the spirit of our government and would further tend to destroy our organization; and also that there is difficulty in arousing the interest of the voters in the primary as well as the regular election, and there is no guar-

antee that the short ballot would arouse this increased interest.

Those favoring the short ballot include Mr. VanHorne, Republican; Mr. Hurley, Democrat; and Mr. Dunlap, Democrat.

Mr. Hurley says that the short ballot principle would simplify the task of voting and make it much easier to locate responsibility, thus enabling the discerning voter to act more intelligently in the selection of candidates. Mr. VanHorne cites the case of New Jersey, in which state the governor is the only officer elected by state-wide vote, the minor state officers being appointed.

Opinions of Newspaper Editors

Of the eight editors replying to this question, seven favor the short ballot, and one opposes it. The editors who sent favorable opinions include Mr. Sherman of the *Rocky Mountain News* and *Denver Times*; Mr. Thompson of the *Idaho Daily Statesman*; Mr. Kelly of the *Sioux City Tribune*; Mr. Cheney of the *Minneapolis Journal*; Mr. Jones of the *Nebraska State Journal*; Mr. Newbranch of the *Omaha World-Herald* and Mr. Daniels of the *News Observer*.

The reasons given by the above men for their favorable opinion may be summarized as follows: Inasmuch as there would be fewer candidates to consider, there would be less confusion due to the injection of many personal fights. Not one voter in a thousand knows who all of the candidates are or what principles they represent, and he therefore votes the greater part of his choices in absolute ignorance. The people can think of only one thing at a time, and when they are called upon to elect a score of officers the minor positions become merely a "grab-bag."

The lone negative amongst the editors is Mr. Sanford of the *Reno Evening Gazette*. He states that the short ballot

would not help the primary in Nevada because the population is small, the elective state officers not many and the candidates are personally known to a very large number of the electors.

Opinions of Professors of Political Science

In answer to this question, eight favor the short ballot, and three oppose it. Those who are in favor are: Professors West, Ray, Fairlie, Loeb, Maxey, Geiser, Hall, and Laube. Professor Maxey maintains that the direct primary will never be effective until we eliminate the long ballot which causes blind voting and is responsible for many of the alleged defects of the direct primary system. In addition, another points out that the short ballot would limit the operation of the primary to those offices where public opinion exists and where caprice, accident and irresponsible publicity would not control. The short ballot would permit a more intelligent vote by enabling the electorate to concentrate on a few political offices.

Professors Phillips, Haines and the professor of political science at Williams College are in opposition to the short ballot. Professor Phillips takes a rather neutral stand. He says that while the short ballot would probably make possible a more centralized, responsible and efficient government, the same gain might be made by the adoption of the short ballot under the nominating convention system. The short ballot principle, therefore, is not an argument for or against the primary.

III. IS THE PARTY NOMINATING CONVENTION WITH DELEGATES THERE-TO CHOSEN AT A PRIMARY, PREFERABLE TO THE DIRECT PRIMARY?

Opinions of Governors

Eight out of the ten governors replying believe the direct primary preferable. They are: Governors Allen

of Kansas, Russell of Mississippi, Hyde of Missouri, Dixon of Montana, McKelvie of Nebraska, Boyle of Nevada, Davis of Virginia, Blaine of Wisconsin.

Governor Hyde of Missouri, declares that the direct primary is the people's answer to the abuses of the convention system. Other of the governors hold the convention less preferable because the people are opposed to it on account of the fact that it is favored by the corporations and money interests and because the delegates to the convention do not represent their will. Governor Blaine states as his reason for favoring the direct primary that it is easier to vote direct for a candidate than to reach the same result through an agent.

Governor Carey favoring the convention in preference to the direct primary, believes that under the convention system the delegates would be practically pledged to the candidate, the general ticket might be better balanced, and the various parts of the state better represented.

Opinions of Chairmen of Political Parties

The various political party chairmen are practically unanimous in favoring the convention system. Seven of the nine replying favor, and two oppose, the convention system. The officials replying favorably are: Mr. Lynch, Democrat; Mr. Lyman, Democrat; Mr. Cady, Republican; Mr. McCloud, Republican; Mr. VanHorne, Republican; Mr. Fisher, Democrat; Mr. Kennedy, Republican.

Mr. VanHorne, Republican, states that, as a newspaper man, he has seen the "Boss" defeated under the convention system more times than he won. It is further observed that the candidates selected by the direct primary are not of as high an order as those selected by the party convention. It is believed that the convention plan should be used in the nomination of

minor state officers and the direct primary in the selection of the chief executive and lieutenant-governor. The fact that the direct primary adds additional expense to an already overburdened political machine is used as argument in favor of the convention.

Mr. Dunlap says that in theory the primary is the ideal manner of nomination, but where there is no enforcement of the laws and its penalties are full of loopholes, the direct primary becomes impotent and but a shadow of what it really should be. If there could be awakened a determination to enforce our election laws, then the direct primary would be best.

Opinions of Newspaper Editors

The opinion of the editors is a tie upon this question. The following editors are in favor of the convention: Mr. Sherman of the *Rocky Mountain News* and *Denver Times*, Mr. Thompson of the *Idaho Daily Statesman*, Mr. Cheney of the *Minneapolis Journal* and Mr. Sanford of the *Reno Evening Gazette*.

According to Mr. Thompson, under the convention plan, the undesirable candidates can be eliminated for the good of the ticket, and, further, there are men who would accept a convention nomination who would have nothing to do with a direct primary. He also believes that a platform cannot be brought into harmony with candidates and candidates into harmony with the platform except by a convention. Opinion is also expressed that under the convention system it is possible to eliminate personal antagonisms and bring about harmony and draft a good man for office. In the convention the party's policy can be determined, instead of leaving the task to an individual, as in the case of the primary. The result would be that the people of the state would vote intelligently on issues and locate responsibility.

The fear of control through combinations is given as a reason why the direct primary is preferable to the convention. The Hon. Josephus Daniels of the *News and Observer* of North Carolina, believes that the direct primary gives a better chance to the people than the state convention. He holds that the primary fails only when the people lack interest, or when the party machine is so powerful that the people feel that there is no opportunity to win against the bosses.

Opinions of Professors of Political Science

The instructors in the science of government by a majority of one favor the party nominating convention as against the direct primary. Professor Phillips favors the former, as does the professor of political science at Williams College, Professor Loeb of the University of Missouri, Professor Maxey of Western Reserve University, Professor Geiser of Oberlin College, Professor Hall of the University of Wisconsin.

Professor Hall says that in his judgment the convention plan is decidedly preferable because: (1) It provides for majority control; (2) it makes for party solidarity and responsibility; (3) it places a premium upon leadership of the party, rather than upon irresponsible newspapers, and the caprice of a popular election where no public opinion can exist. He holds that many excellent candidates have been chosen upon the advice of party leaders, who never would have been candidates under the primary system. Professor Geiser of Oberlin College, is inclined to favor the convention plan if the long ballot is retained, but only if it is.

Five professors favor the direct primary. They are: Professors West of Leland Stanford University, Ray of Northwestern University, Fairlie of the University of Illinois, Haines of the

University of Texas and Laube of the University of Washington.

Opinion is expressed that if the old convention system was restored, fewer voters would take the trouble to go to the polls to choose delegates than go now to the primaries to directly nominate their candidates. People must not be allowed to forget the rottenness of the old convention system which is now being lugged forward by the political machinists as a substitute for the direct primary. It is pointed out that the party nominating convention has notoriously delivered the state into hands of special interests and their party agents.

IV. IS PARTY RESPONSIBILITY OBTAINED BY MEANS OF THE PARTY NOMINATING CONVENTION OF MORE VALUE TO OUR SYSTEM OF GOVERNMENT THAN THE DIRECT PRIMARY WITH ITS GREAT RESERVE POWER?

Opinions of Governors

A majority of the governors replying to this question consider the direct primary of more value than the party convention. The seven who oppose the convention are: Governors Russell, Dixon, McKelvie, Boyle, Davis, Blaine and Carey.

They suggest the following reasons why the primary is preferable: The state's business is not the party's business, it is the people's business; it is not possible to have representative government through any method other than the direct primary, and if the method of making nominations under the direct primary is hedged about with the proper safeguards, it is still possible to maintain party responsibility, and yet put the work of nominating candidates more directly in the hands of the people.

Governor Shoup of Colorado states that the direct primary has failed of its

purpose, and should be revised or modified. He favors the convention system. Governor Mabey of Utah is the other who favors the convention as against the direct primary.

Opinions of Chairmen of Political Parties

Of the eleven chairmen of political parties giving their opinions upon this question, eight favor the nominating convention and three oppose it. The following favor the convention: Mr. Lynch, Democrat; Mr. Lyman, Democrat; Mr. Kennedy, Republican; Mr. Harris, Republican; Mr. VanHorne, Republican; Mr. Fisher, Democrat; Mr. Pollard, Democrat; and Mr. Dunlap, Democrat.

Mr. Pollard is of the opinion that the party, whose tag all the candidates bear, can claim no responsibility for the action of the candidate under the primary law. Mr. Fisher believes that the best government is composed of two strong political parties, each watching the other and each ready to go before the people and lay bare the record of each, therefore allowing the people to choose the party giving them the best government. He says that the difficulty with the direct primary in Tennessee is that many people will not vote so as to be free to vote as they desire in the regular election. This tends to destroy party unity and when party unity is destroyed, the government has been struck a tremendous blow. Opinion is also expressed that the party responsibility obtained through the party nominating convention is more valuable to our system of government than the primary with its reserve power.

Three chairmen oppose the nominating convention. They are Mr. Cady, Republican; Mr. Hurley, Democrat; and Mr. Rogers, Republican. It is maintained that party responsibility is

secondary to the responsibility of the officer to his constituency, and that party responsibility is as often avoided through the convention as it is assumed. Most of the trouble from political evils is due to the general inertia on the part of the public and to the great energy and astuteness on the part of the professional politician.

Opinions of Newspaper Editors

Four of the editors favor party responsibility of the convention, and three favor the direct primary. Mr. Sherman of the *Rocky Mountain News* and *Denver Times* advocates a combination of party responsibility with the initiative power of the direct primary. He holds that the worst feature of the primary is the fact that the voters are so poorly informed regarding the candidates. The result is that we often get worse candidates than we would through the old party convention. The convention is also held favorably by Mr. Thompson of the *Idaho Statesman*, Mr. Cheney of the *Minneapolis Journal* and Mr. Sanford of the *Reno Evening Gazette*. It is maintained that party responsibility is much to be desired, and that through the primary system the public loses the services of men who are unwilling to offer themselves as voluntary candidates, but whose candidacy could be obtained through convention nominations. Mr. Sanford believes that a sense of responsibility prevails in a convention which is not to be found to the same extent in a direct primary.

Mr. Jones of the *Nebraska State Journal*, Mr. Newbranch of the *Omaha World-Herald*, and Mr. Kelly of the *Sioux City Tribune* take the opposite point of view. Mr. Newbranch maintains that popular power is a bigger thing than party responsibility. According to Mr. Kelly, party expediency always overrules responsibility and

pledges, and party personal responsibility is not so binding as personal responsibility.

Opinions of Professors of Political Science

Of the eleven instructors in political science giving their opinions, eight consider the reserve power secured by the direct primary of more value than party responsibility. Those who favor party responsibility through the conventions are, Professors Phillips, Loeb and Hall. They hold that the party is a specialized institution, and ought to take care of the function of nominations better than the people. Furthermore, any method other than party responsibility imposes too many burdens upon the elector, presupposes too much continuous interest and observation of his representatives, and too intimate a knowledge of the details of the various offices which are now filled by popular election.

Eight of the professors favor the reserve power of the direct primary. They are: Professors West, Ray, Fairlie, Maxey, Geiser, Haines, Laube and the professor of political science at Williams College.

Professor Ray believes that the party responsibility which went with the convention system is a good deal exaggerated. The politician realizes that the term "Responsibility" is a good talking point in trying to "sell" again to the public the old convention system under which bossism and machine rule flourished as under no other system. The opinion is expressed that party responsibility is of less than no value where the responsibility does not run through the party to the electorate. The party nominating system in practice destroyed the responsibility by delivering the agencies of government into the hands of political corruptionists.

Reform of Presidential Nominating Methods

By P. ORMAN RAY, PH.D.

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THE nomination of presidential candidates has given rise to some of the most baffling problems in the whole field of American government and politics—problems which challenge the ingenuity of party leaders and professional politicians, on the one hand, and of disinterested political scientists, on the other. Unfortunately, however, little has been attempted and still less has been accomplished in an endeavor to reach a solution which is consistent with twentieth century ideals of democracy.

HAPHAZARD METHODS

Without serious deviation from the truth, one may say that our methods of selecting presidential candidates, like Topsy in *Uncle Tom's Cabin*, have "just grow'd." Not even in the heyday of the old congressional caucus; nor later when the delegate convention was hailed as the ideal organ for expressing the *vox populi*; nor in the last dozen years, which have witnessed the grafting of the direct primary upon the convention system, has there been united and sustained effort on the part of press, politicians, or publicists, to develop a rational method for the selection of candidates for the highest office within the gift of the American people. Until very recently each party has been, and in the main still is, a law unto itself in the matter of nominating its candidates; and that law, as reflected in the rules and proceedings of the national nominating conventions of the major parties, has been more largely the result of haphazard growth than of a conscious or deliberate effort to provide means

for full and free expression of the sentiment of the mass of party voters.

IGNORANCE OF THE VOTER

Popular ignorance and indifference regarding presidential nominating processes are astonishing and would be almost incredible were it not for the fact that, as things now are, the ordinary voter's influence in the winnowing of the aspirants for the presidential nomination is almost nil. Certainly, taking the country by and large, it can scarcely be gainsaid that Mr. Average Voter has practically no *direct* influence in determining the presidential and vice-presidential nominees of his party. That is all done *for* him by an extra-legal and irresponsible national convention composed of delegates who are personally unknown to him, for whom he may have had no opportunity to vote, with whose presidential preferences or political views he may be wholly unacquainted, and whose organization and proceedings in national convention are governed by no law, state or national. As a result the only real influence which the average voter has in the choice of President and Vice-President is exercised on presidential election day. Even then, all that he can do is to indicate his preference between the candidates which the Democratic and the Republican national conventions have seen fit to submit for his formal approval; or, if dissatisfied with these, he may exercise the inestimable privilege of "throwing away" his ballot by voting for the candidates of some third party whose running probably will not have

the slightest influence upon the result of the election.

PRESIDENTIAL PRIMARY LAWS

The national convention system, however sound in theory, as an embodiment or application of the representative principle to the selection of party candidates and as supplying a certain kind of leadership in party affairs, has, nevertheless, in actual practice, become thoroughly discredited and is today an object of very general suspicion. As a protest against the relegation of the electorate to the position of a mere ratifying body, and as a repudiation of the tacit assumption that although the voters are admittedly competent to elect their President and Vice-President, they are incapable of nominating them directly, nearly half of the states have enacted during the past twelve years what are called presidential primary laws. Though varying greatly in details, they all have this in common: they are attempts, crude to be sure but on the whole sincere, to give the rank and file of party voters a more direct voice in naming presidential candidates than they have previously enjoyed. Underlying all the presidential primary laws are two definite principles: first, that delegates to a national convention shall be elected as directly as possible by the voters; and, second, that the voters shall be given an opportunity, as directly as possible, to impress upon the delegates their choice for presidential candidates.

Many supporters of the national convention system who concede the desirability of a more direct method of choosing delegates than has prevailed generally in the past, nevertheless are unalterably opposed to the presidential primary because, as they claim, the people are incapable of choosing wisely among the various

presidential aspirants; and because better selections can be made for them by a "deliberative" body, like the national convention, representing all parts of the country.

To this contention advocates of the presidential primary reply that the people are rather more likely to choose wisely their candidates for President and Vice-President than their candidates for the less conspicuous state, county, or local offices, to which the direct primary method is very generally applied. Indeed, so runs the argument, "there is no other political office which the people watch as closely as they do the contest for the first place on the national tickets of the great political parties every four years; the result is that in no other phase of political activity is the average voter better qualified than he is to choose candidates for President of the United States."¹ The voters, to be sure, may not always choose wisely their candidates for President and Vice-President, any more than they always make wise selections for state and local offices. But those who claim the presidential primary is sound in principle, insist that it is better that the people should make their own mistakes than that they should be required to endure the mistakes which a handful of convention manipulators may make for them. They reiterate that if the voters can be trusted to choose between candidates for office, they can be trusted to choose between candidates for nomination. "Grant the blunders and confess the disappointments, the true question is whether the presidential primary properly safeguarded, is not better fitted than the old way to satisfy the people that their wishes are respected in the election of their rulers. To create such a feeling of satisfaction is one

¹ *Outlook*, C, 164 (1912).

of the great ends of democratic government."

VARIATIONS IN PRIMARY LAWS

In order to enhance the influence of the rank and file of the party, which is the immediate objective of the opponents or critics of the old convention system, several different methods are set forth in the presidential primary laws which have been enacted since 1910. In some states the laws merely require that all delegates to the national conventions be elected *directly* by the party voters, instead of *indirectly* in district or state conventions, over which the ordinary voter has been able in the past to exert little or no direct influence. Standing alone, such requirements of course give the voters practically no more direct voice in naming candidates than they had previously. Still less direct influence is granted in those states which do not *require* the election of delegates in a direct primary but leave it optional with the state party committees to adopt the direct primary or adhere to the older convention method of choosing delegates. Another group of states, in order to give the voter some idea respecting the presidential preferences of those who are seeking election as delegates to the national convention, permit such candidates to indicate on the primary ballot their preference, or lack of preference, among the several aspirants for the presidential nomination of their party. A fourth group of states have gone much further in their efforts to enable the desires of the rank and file to become articulate. Not satisfied with giving the party voters an *indirect* opportunity to express their own preferences, these states permit the voters both to choose delegates directly and to record *directly* their preferences as between the several presidential aspirants; and have at-

tempted, usually with disappointing results, to make the outcome of such a presidential preference vote binding upon the district delegates or upon the delegates-at-large or upon both.

RECENT RESULTS DISAPPOINTING

Any criticism of these presidential primary laws must begin by admitting that the new system at least seemed to promise to afford some real improvement upon the old. Whatever defects may have developed, and they are numerous, most of these laws at least compel a fight in the open; from the very start candidates and their supporters are under public observation, so that "gumshoe stalking of delegates" and the secret buying of convention votes are at all events made more difficult.

Conceding this, as well as the soundness of the principle upon which the presidential primary system is based, one nevertheless is compelled to admit in all candor that it proved thoroughly disappointing in the campaigns of 1916 and 1920. Indeed, in the pre-convention contest of 1916, the circumstances were such as to render the presidential primary next to useless. In the Democratic Party there was no contest whatever: President Wilson's renomination was a foregone conclusion. On the Republican side, due consideration of the proprieties prevented the submission of Justice Hughes' name in a primary contest; and Colonel Roosevelt had forbidden any primary contest to be made in his behalf. Other presidential possibilities had only a local and relatively insignificant following, so that the primary voting was reduced to complimentary expressions for "favorite sons," no one of whom developed any real strength outside his own state. The presidential primary thus gave no aid and pointed to no conclusion in the nomi-

nation of presidential candidates that year. Scarcely more can be said for it in the pre-convention canvass of 1920; and today, mention of the subject evokes but slight interest and still less enthusiasm among laymen and politicians alike. Despite these primary laws, the national conventions continue to be a law unto themselves and to have the last word respecting the choice of nominees.

The experiences of the last three presidential campaigns thus appear to justify the widely held opinion that the presidential primary is not likely to be of real value, so far as the direct choice of presidential candidates is concerned, except at a time when there is a real contest which grips the rank and file of the party; or when there is a single issue, or a limited number of absorbing issues, together with candidates big enough to fill the horizon of the popular mind. Under any other conditions, that is to say, under *normal* conditions, it may well be doubted whether a presidential primary, *operating under widely diverse state laws*, will ever give the rank and file of party members that increased weight and influence in selecting presidential candidates which the early advocates of the system confidently predicted.

REASONS FOR FAILURE

How are we to account for these disappointing results in practice, of a system which, in theory, has so much to commend it? The explanation is to be looked for either in certain defects which characterize the existing presidential primary system as a whole, or in defects which appear in one or more of the laws of the several states that employ the system. Whatever may be said against the old convention system, it possessed at least the merit of being nation-wide in its

operations and of securing substantial uniformity throughout the country in the manner of choosing delegates. Our presidential primary laws, on the other hand, are as diverse as our divorce laws. Not only are they restricted to less than one half of the states, but they do not operate with uniform efficiency even within the range of their limited possibilities. Their differences in important details are so great as seriously to impair the value of the system as an index of party sentiment. Indeed, lack of uniformity, not merely in minor details but also in essentials, sums up perhaps as well as can be done in a single phrase, the salient and serious short-comings of state presidential primary laws.

For example, the time for choosing delegates is strung along all the way from March to early June; thus lending encouragement to migratory campaigns from state to state in the interest of various aspirants, which have been not inaptly likened to the peregrinations of a circus troupe. Lack of uniformity likewise appears in the way in which delegates are to be governed by the direct or indirect preferential vote cast in the primary. Of the numerous variations in this particular only two need be mentioned here: some laws give to the preferential vote of the state at large the effect of instructions binding upon all delegates, thus introducing a species of unit rule; others permit the preferential vote of the congressional district to govern the action of the district delegates, although the state-wide vote may have registered a different popular choice. Furthermore, no state has devised a satisfactory, or even workable method of determining how long and on what preliminary questions in the convention the delegates must act in accordance with the expressed preferences of their respective states or districts. Numer-

ous other more or less serious points of variation have been catalogued elsewhere,² but the foregoing are unquestionably the most fundamental defects of the existing presidential primary system, if *system* it can properly be called. And it may be added that their elimination, without destroying the system itself, presents a problem unsurpassed in difficulty by none other in the wide range of practical politics. And, finally, to defects that are attributable to diversity in primary laws should be added the criticism that the system is extremely cumbersome and inevitably costly. No man can run effectively for the presidential nomination in all, or even in a considerable number of the state primaries without the expenditure of large sums of money. Granting that this all goes for perfectly legitimate purposes, such expenditures none the less, are bound to give rise to disquieting rumors and suspicions, and thus tend to undermine that popular confidence in the primary system which is essential for its successful operation.

PROPOSALS FOR IMPROVEMENT

Confronted then on the one hand by an unsatisfactory and discredited national convention system and on the other hand, by an equally faulty and distrusted presidential primary system, where are we to look for escape from what seems to many to be an inescapable dilemma? Can these two institutions be made to work together effectively so as to give clear and unmistakable expression to the will of the majority, or are they so mutually incompatible that one or the other of them must go into the discard?

The debacle of the convention sys-

tem in 1912 led many people then to suppose that its day had passed forever, and to give hearty endorsement to President Wilson's recommendation, made the following year,³ that the national convention be radically reorganized and cease entirely to function as a nominating body. If reconstituted in accordance with this recommendation, the national convention of each party would consist of nominees for vacant seats in the Senate, the senators whose terms have not yet closed, the national committees, and the candidates for the presidency themselves; and the sole work of the convention would be the adoption of the party platform by those persons responsible to the people for carrying it out. The actual nomination of candidates was to be vested in the rank and file of the party membership and determined in a uniform direct primary regulated by *national* law, the enactment of which the President urged upon Congress.

Following this message, a number of bills were introduced into Congress in 1914, designed to carry out, in whole or in part, the President's recommendation.⁴ Nothing came of them, however, for the movement to obtain a national presidential primary law soon ran against the stone wall of unconstitutionality: no grant of power, express, or implied, can be found in the Constitution to justify Congress in enacting any of the proposed legislation. After this discovery, agitation for a federal presidential primary law subsided; and since then, both lay and professional interest in the subject seems to have been completely overshadowed by the World War and its aftermath. But with

² See F. M. Davenport, "The Failure of the Presidential Primary," *Outlook*, CXII, 807 (1916); R. S. Boots, "The Presidential Primary," *Nat. Mun. Rev.*, IX, Supplement, 608-610 (1920).

³ First Annual Message to Congress, December, 1913.

⁴ These bills are summarized in *American Year Book*, 1914, pp. 68-71.

the campaign of 1924 rapidly drawing near, is it not time for a revival of discussion of the merits and defects of the national convention system, of the state presidential primary system, and of possible substitutes therefor, in the hope that a sufficient public interest may be roused to secure a genuine reform of our presidential nominating procedure in the near future?

LAUNCHING THE REFORM MOVEMENT

If the major parties and their candidates for national offices are not ready to bring forward on their own initiative a constructive program of reform, perhaps they can be impressed with the importance of so doing by means of systematic and constructive agitation fostered by disinterested non-partisan bodies. Why should not the initiative in bringing about a dispassionate review and analysis of the various problems involved in the selection of presidential candidates and in starting agitation for reform be assumed by such organizations as the Academy of Political and Social Science, the American Political Science Association, the National Municipal League, the National League of Women Voters, and perhaps other non-partisan groups? Can any good reason be advanced against the appointment by each of these organizations of collaborating committees to make an intensive study of the problems involved in this reform movement; to enlist the active interest and coöperation of party leaders; to outline desirable and promising lines of procedure for the achievement of thoroughgoing reforms; to rouse public interest and assist in creating an intelligent public opinion; and to formulate drafts of constitutional amendments and legislative measures which, serving as starting points, may eventually lead to real and important and permanent im-

provements? Perhaps a *national conference* on the reform of presidential nominating methods might be called by joint action of such committees. The present writer is unwilling to believe that the difficult problems referred to in the preceding pages are beyond the possibility of solution within the lifetime of most men and women now living, or that the ingenuity and resourcefulness of American political scientists and party leaders are bankrupt or even exhausted.

SEPARATE STATE ACTION OR FEDERAL CONSTITUTIONAL AMENDMENT

Those who believe that the presidential primary has not been given a fair and thorough trial and are therefore unwilling to concede that it cannot be made to work satisfactorily, are urged to organize and to renew agitation for the adoption of a more perfect presidential primary system than we now have. Their activities may be directed toward one or the other of two possible objectives, each of which is going to be extremely difficult of attainment, and for that very reason should constitute a stimulating challenge to those who are dissatisfied with things as they are. In the first place, a national committee on a uniform presidential primary law might be organized, which, after thorough study, should draft a "model" presidential primary law and seek in all legitimate ways to secure its enactment state by state.⁵ Obviously such a committee would function after the manner of its prototype, the National Child Labor Committee or through the Commissioner on Uniform State Laws. Its progress will inevitably be slow and perhaps discouragingly so; and for this reason many supporters of the

⁵ See F. W. Dickey, "The Presidential Preference Primary," *Amer. Pol. Sci. Rev.*, IX, 467-487 (1915).

presidential primary may feel that it is hopeless to expect much relief in the near future, if ever, through separate albeit uniform state legislation. Such persons no doubt will find the alternative line of action more to their liking; namely, an organized movement to bring about the adoption of a federal constitutional amendment empowering Congress to regulate the methods of nominating candidates for the presidency and vice-presidency. This second line of action, in the opinion of the present writer, appears far more likely to result in fundamental and permanent improvements than can ever be expected to follow an attempt to secure uniform presidential primary laws in forty-eight different states. If this view is correct, the friends of reform should be rallied and organized for a vigorous and sustained and intelligent drive to obtain a federal constitutional amendment. There must be an impressive demonstration of reform sentiment of course, before the major parties and their congressional candidates will pledge their support to the submission of the necessary constitutional amendment to the several states. But with public sentiment sufficiently aroused, parties and candidates will find it expedient to act.

The proposed amendment should be so worded as not to restrict Congress to the choice of any particular plan governing presidential nominations; on the contrary, that body should be given unrestricted freedom to adopt any system of regulation. Agitation for a federal constitutional amendment, however, will inevitably be accompanied by wide discussion of possible lines of legislation which Congress might adopt in acting under the broad grant of power just indicated. Here, of course, sharp differences of opinion are certain to develop, as in the case of other important questions

of public policy. Some will advocate the direct popular nomination of presidential candidates and the radical reorganization, perhaps the virtual abandonment, of the national convention, substantially along the lines recommended by President Wilson. Others will be content merely to provide for the direct election of delegates to national conventions in a uniform manner on a uniform day throughout the country, for a more equitable basis of representation in those bodies, and for legal regulation of their procedure, especially in the case of contesting delegations; but, in all other essential respects, they would prefer to leave the present national convention system unchanged. Between these two extremes, numerous other plans are certain to be advanced in one quarter or another.

The plan favored by the present writer falls in this middle class. He is fully aware of the shortcomings, the sins of omission and commission of the national convention; nevertheless, he finds it hard to believe that, in a country three thousand miles wide and having more than fifty million potential voters who represent the most diverse economic, social, and political interests, we can afford to abolish, or even emasculate, the national convention and substitute direct popular nomination of presidential candidates even under a uniform national primary law. As Senator Davenport of New York has so truly said: "A leaderless democracy is a delusion. The need in a vast country, like our own, of a genuinely representative national convention to debate and sift out policies and candidates is becoming more and not less certain. We ought never to give up the national convention for a leaderless national primary."

RESPONSIBLE CONVENTION LEADERSHIP

But if we are not to abandon the national convention, its organization and procedure must be regulated by *national* law, and it must be made to function in such a manner as not to defeat or override party sentiment, but on the contrary, furnish the open, responsible, and official leadership in the selection of candidates and determination of party policy which is so much needed. Genuinely responsible *leadership* on the part of the convention, however, implies that the last word in the selection of presidential candidates must reside with the rank and file of party voters, and not with the convention, as at present. To insure that this leadership shall be a truly *responsible* leadership, therefore, a uniform, nation-wide, direct primary is indispensable; but the logical time for holding it is not *previous* to a national convention but *subsequently*. Its function should not be to elect delegates and seek to control their action in convention by more or less futile instructions or preferential votes; on the contrary, the sole function of the primary should be a far more important one, namely, to make the *final* choice of candidates for the presidency and vice-presidency from a list previously selected and submitted by the national convention. In other words, both national convention and presidential primary should be retained, *but their relations should be exactly reversed*. With the final decision as to nominees in the hands of the mass of party voters, expressed through a nation-wide primary held a month or so after the convention has met to sift the various aspirants and formulate a platform, the present danger of the ultimate control of nominations falling into the hands of con-

vention manipulators would largely disappear, and popular confidence in the presidential primary—now fast waning—would be restored.

Under such an arrangement, the new rôle of the national convention would be restricted to drafting the party platform and to the selection of not more than five or six names to be submitted to the party voters at the ensuing primary for final decision. The aspirant receiving the highest number of votes in the primary would thereby become the candidate for the presidency, and the one receiving the next highest vote (unless he were already President or an ex-President) should be bound to accept the nomination for the vice-presidency. Not the least of the advantages claimed for such a system is that it is almost certain to result in the selection of vice-presidential candidates of uniformly higher grade than has prevailed in most periods of our history.⁶

Space does not permit elaboration of the advantages which may reasonably be claimed for such a nominating method over existing practices; nor even outlining the details that should be provided for by congressional legislation in order to make such a scheme workable, further than to say that undoubtedly the composition of the national convention needs to be changed in order to make it a more wieldy, a more deliberative, and a more representative body; but the precise *method* of determining its membership becomes of secondary importance. If the final decision respecting nominations is to be placed in the hands of the party electorate, there is much to be said in favor of limiting the national conventions to

⁶ Substantially this plan is set forth in somewhat more detail by H. T. Pulsifer, "The Pig and the Primary," *Outlook*, CXXVI, 19-21 (1920).

national committeemen and state central committeemen from the several states. At any rate, however constituted, voting power in the convention should obviously be based upon party voting strength in the several states; and the present illogical apportionment of votes on approximately a population basis should be abandoned into the discard.

Sine Qua Non OF REFORM

However numerous and however diverse may be the plans which are brought forward to improve our presidential nominating procedure, nothing but good can come from the discussions and comparisons which they are certain to provoke; and the writer is optimistic enough to believe that they are likely to result in something far superior to the system with which we have been muddling along for

so many years. The one thing needful for all friends of reform to remember is that they must avoid becoming so closely wedded to their own pet reform projects as to lose sight of the fact that the first important objective is not the enactment of any particular one of these plans; indeed their respective merits are, at present, of quite secondary importance and will remain so for some time to come. The principal thing to stress now is the need for complete unity and harmony and tireless energy, in creating a public sentiment favorable to a federal constitutional amendment, empowering Congress to regulate the method of nominating candidates for President and Vice-President. That amendment is the *sine qua non* for the success of *any* plan of reform, however meritorious and however widely supported.

Party Platforms in State Politics

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THE occasional efforts of the courts to determine legislative intent for the purpose of interpreting some obscure enactment are now and then almost ludicrous, especially in view of certain not unusual procedural practices among law-making bodies. How much more is the private investigator prone to err in attempting to understand the meaning of a law in some distant state with the local conditions of which he is quite unfamiliar. It is related that a competent student of political science once engaged in conversation a fellow railway-passenger from another section of the country and commented on the significance of a recent change in the organization of a large city. "Oh, we did that only to get rid of So-and-so," was the reply. To assure reasonable accuracy, at any rate in details, it is almost necessary for a writer on the law governing parties and party activities to confine his observations to a field in which he possesses personal acquaintance with men and measures, and a knowledge of the history of local politics. Argument in support of this proposition will be superfluous to those who are familiar with the frequent inadequacy of the indexes of the volumes of state statutes, or to those who have tried to puzzle out the import of a long amending clause by comparing it with the original act. In the cause of merely learning the phraseology of the law, it is unfortunate for the investigator and others, not only that the rule of a few states that "amending bills shall be so prepared and printed as to show the

new matter proposed, old matter to be retained, and old matter to be omitted from the statutes," is not the rule of all, but also that the same rule is not everywhere employed in the printing of the statutes. Perhaps a lobby of the aggrieved could be organized.

If one were to judge the importance attached to the party platform by the references to it in the indexes of election laws, or even by the space devoted to it in such laws, he would conclude that it is a matter of little moment. There is reason to believe that such a conclusion would be correct. We seem to be witnessing the passing of the platform.

It is reported that in reply to a recent inquiry from a friend in New York who had wired: "Did the industrial court play any part in the recent election results?", William Allen White epitomized the situation in the following telegram: "Industrial court played important part in election. Was vigorously supported in Republican platform and violently denounced in Democratic platform and issue hotly contested in election. People voted for Democratic governor pledged to repeal the law, and elected Republican legislature pledged to sustain law. Tune in, and when you pick up vox populi vox dei wire me collect."

RECENT EFFORTS TO REGULATE PLATFORM CONTENT

Yet there are indications that platforms are not passing without protest, and several recent efforts to restore

their vitality may be noted. "Restore" may, of course, convey an unwarranted implication.

The efforts of the Republicans in the national campaign of 1920 may hardly be asserted to denote a concern over the meaninglessness and inadequacy of platforms. They were, rather, a bid for popular support on the basis of apparent willingness to consult the country regarding its needs. Probably everyone will agree that the net effect of those efforts was nil. There is an interesting story of the substitution at the last moment of an off-hand paragraph, hurriedly penciled by a well-known party leader, in lieu of one over which the experts on platform had labored long and assiduously. The most ambitious plan to revive party conflicts on lines of principle was no doubt that of the Richards law in South Dakota, 1918. Local "proposalmen," for issues and candidates, were to select state "proposalmen" who, after deliberation in assembly, could submit issues, "paramount" and otherwise, to the voters at the primary. Proposed candidates must sign the proposed issues. A system of debates between aspirants for the presidential nominations, or their proxies, and between candidates for gubernatorial nominations and nominees, was intended to bring the issues home to the voters. In 1921, however, these features of the law were in the main repealed.

A bill before the Texas legislature in 1919 forbade any political party to embody in its state platform a demand for specific legislation, unless the subject should have received a majority vote at the primary on its submission at the petition of 10 per cent of the party voters, and authorized the submission of questions to the voters by petition for the purpose of instructing delegates to state and county con-

ventions, who were to be governed by these instructions. This was very similar to the provisions of the Terrell law of 1908, which seem to have been held unconstitutional.

In Washington, 1919, a bill appeared providing that candidates for nomination might have propositions which they had advocated for three years submitted on the ballots with their candidacies. An elaborate process of elimination was designed to reduce the number of propositions in case it should exceed twenty-one. Further, groups of one hundred signers each could present ten-word propositions, and those receiving one-third of the votes cast at the primary, and a plurality, were to be placed on the general election ballot, and if similarly approved at the election, it became the paramount duty of the legislature, county commission, or city council to enact them into a proper and consistent form of law. An act of 1921 made provision for advisory state platform committees to hold public hearings during the state conventions, which were admonished to make a clear and concise statement of the party principles and legislative program. A prominent Republican of the state writes that his party has in practice followed a course almost identical with the requirements of this law. He says further, "Platforms have been given careful attention in this state. . . . In this year's Republican convention two very important planks were the subject of extensive debate on the floor of the convention, the committee being sustained on one point and reversed on the other. . . . I am certain no really important bit of legislation, that is, one involving a change in state policy, has been enacted without having been previously proposed in a political platform and subjected to state-wide discussion."

PLATFORM MACHINERY GOVERNED BY ELECTION LAWS

The election laws of most of the states will be found to define the formal process by which the party platforms are to be drafted and promulgated. Perhaps a majority of such states allow a state convention to perform this function, and of this majority the greater part provide for the election of the delegates to the state convention by subordinate conventions, nearly always for the county area, and the delegates to these county conventions are ordinarily elected at the primaries which nominate the party candidates. These state conventions are usually numerous bodies, often of approximately a thousand members, although in Maryland there are only 129 and in Arizona 213, the latter body being a party council. The party council in New Hampshire, on the other hand, contains about 800 members.

In Nebraska, at the regular primary election, delegates are selected to the county conventions, and delegates are selected by and from the county conventions to the state conventions which meet in every even year the third Tuesday in August, except in the years of presidential elections, in which they meet the third Tuesday in May. The original primary law of 1907 provided that the county nominees of each party should select the delegates to the state conventions. In 1908 a Republican convention thus constituted refused to endorse the principles upon which the successful aspirant for the gubernatorial nomination had conducted his campaign. Party leaders disapproved the influence which the plan gave to the county nominees. Also, it was argued that the party should formulate its program before the primary for the guidance

of the aspirants for party nominations. So the old caucus and convention system of party government, pre-primary, was reestablished but forbidden to take any action regarding nominees. An act of 1919 established the present arrangement as described above, while an act of 1921, rejected at a referendum this year, restored the ante-primary caucus and convention. The considerations back of these later changes involved the nomination of minor state officers by convention and the recommendation of aspirants to the primary voters rather than the merits of pre-primary or post-primary platform making. Likewise in Michigan, delegates to the state conventions which formulate the platforms, which strangely the election laws seem not to mention, (and nominate minor state officers) are elected at county conventions. The same rule holds in Iowa, and since 1921, in Minnesota, where the convention exercises the function also of proposing primary aspirants. In Idaho the members of county committees, elected from precincts, choose the delegates to the state convention which here possesses nomination powers. Nominees for county offices may adopt principles if they wish. In Illinois also the county convention consists of the county committeemen and sends delegates to the state convention. In North Dakota the state committee, chosen by county committeemen, makes the platform. Indiana seems to require the election of delegates to the state convention directly by the primary voters. This is true of New York, where the assembly district is the unit of representation, and of Ohio. In a number of these states the names of aspirants for the position of delegate do not appear on the primary ballot but may be written in. Nevada in 1920 placed the state convention before the pri-

mary. Maine leaves the basis of representation, time, place, and call for the state convention in the hands of the state committee, as does Washington, where the committee could apparently constitute itself the platform agency. In practice the Democrats have elected their delegates in county mass conventions and this year they adopted a still broader plan of recognizing any person who appeared at the state convention as a delegate, and assigned him to the proper county, which was given a proportionate vote, the strength of which in the convention he did not affect.

PRIMARY NOMINEES CONSTITUTE PLATFORM AUTHORITY

In many states the nominees of the primary, associated usually with a larger or smaller group of party officials, constitute the platform authority. In Wisconsin the candidates for state offices and for state senate and assembly nominated by each party at the primary, and the holding senators whose term extends beyond the first Monday of the ensuing year, frame the platform. California admits also the candidates for congressional office and allows the election of delegates from districts to which no holdover senator belongs. New Hampshire includes *ad hoc* or regular delegates elected at the primary. Colorado adds the state chairman. But there are really three platforms in a Colorado campaign. The state assembly of each party which has power to designate aspirants for the various state nominations, drafts a platform in general terms which most aspirants for nomination endorse, in order to secure votes in the primary election; then there are the personal platforms of the primary nominees; and finally the official plat-

form adopted as above stated.¹ The party council in Kansas consists of the same candidates as in Wisconsin and in addition candidates for United States senator and representative, holding United States senators, the national committeeman, and the chairmen of the county committees. In Kansas also, at least in presidential years, it seems that a preliminary convention, unofficial, offers suggestions to the party council and perhaps to the primary voters. This year such a Democratic convention proposed from one to eight candidates for the several state offices. The Arizona plan, and also the Montana and Missouri plans, are almost identical with the Kansas scheme, except for the inclusion of the state committeemen instead of the county chairmen. New Jersey includes the state committeemen but not the candidates for national office. Moreover, state committeemen are directly elected at the primary, one from each county, only twenty-one in all. The election law compilation of Minnesota for 1920 still carried the provision for a party council which included the nominees of each party for the state legislature, although non-partisan nomination had been provided for members of the legislature in 1913. What the practice was under this law is not known to the writer.

Although the Maryland law provides for a state convention it makes no reference to a party platform. Delaware and Connecticut, without the direct primary, apparently make no mention of a platform agency, nor was any law on the subject found in the Florida, North Carolina, Oklahoma, Kentucky, or Arkansas statutes.

¹Hale Smith, Assistant Professor of Economics, University of Colorado and Secretary of the Democratic State Committee, and to the governor-elect.

Party rules may provide for platforms as in Arkansas, where the Democratic practice is almost the same as that established by law in Nebraska. The primary rules of the Democratic Party in Virginia refer to conventions but not to platforms. The Pennsylvania law makes no provision for state conventions nor platforms. Although the rules of the Republican Party provide for a platform promulgated by the state committee, the committee has never functioned in this respect. In some years the pre-primary platforms of the candidates are used and in other years the campaign is conducted under the national platform. Wyoming and Ohio statutes make no provision for platforms in "off" years, *i.e.*, other than presidential. In Ohio, party rules seem to call for a sort of party council in these off years. In Maryland this year the Republican platform was not printed in pamphlet form, nor in Wisconsin the Democratic. The first state convention in ten years was held this year in Alabama. There have been no platforms in Tennessee since the adoption of the direct primary. While the direct primary system in Oregon does not prohibit conventions for the making of platforms, the parties have not made them. Aspirants for nomination may submit with their designating petitions a one-hundred-word statement of principles and select a twelve-word slogan to appear on the primary ballot.

VARIED FORMS OF PLATFORM AUTHORITY

In summary, it may be said that the platform authority may be a convention of delegates elected and meeting before the primary, or a convention of delegates elected at the primary and meeting afterward; the members may be directly chosen by the voters or indirectly by subsidiary conventions;

and again these conventions may or may not have authority to propose candidates for nomination at the primary, as in South Dakota or Minnesota; or may or may not have power to make final nominations as in New York, Michigan, Indiana and Idaho; or in Connecticut, New Mexico and other states which have never adopted the direct primary. Or the platform authority may consist of the candidates for state office, or these and also the candidates for national office, or either or both along with a number of party officials.

It is next to impossible to learn much about the forces at work back of the formal platform-making machinery attempting to influence or determine the platform content. It is probable that resolutions committees almost everywhere hear proposals from individuals and organizations outside the party. It is a matter of common knowledge that the platform drafts are usually prepared by one or more individuals before the meeting of the resolutions committee or party council and that the latter act only as more or less critical revising bodies. The leaders of the parties probably have little trouble as a rule in carrying out within limits their ideas. In the Democratic Party in Michigan, the state chairman through correspondence and interviews with prominent party men, gains a view of the probable position of the party on various questions. His draft of a platform is hurriedly and superficially considered by a resolutions committee and only once in twelve years has an amendment to its report been offered on the floor of the convention. In Maryland the Republican state chairman follows much the same plan. In New Jersey the state chairman writes the skeleton of a platform after two conferences with leading citizens, which is elabo-

rated after discussion by a larger group of men and women the day before the meeting of the state convention (council?) a committee of which conducts a hearing and usually secures the adoption of this platform as read to the convention just before its adjournment. The Illinois Republican chairman writes that "many interests are present at conventions, urging, cajoling and sometimes threatening. . . . These may be labor unions, business interests, teachers, physicians, fraternal orders, welfare societies and other organizations, some of which exist only on paper. They usually work openly and frankly and do not confine themselves to one party."

The writer does not recall any provision of state law designed to prevent bribery or improper influence over the platform authority. It is conceivable, however, that the content of a party platform might determine the outcome of an election. In Iowa the party organization of 3,500 persons is thought to be the most important influence back of the official machinery. It is reported that the New Hampshire Republican platform was given to the newspapers in its final form twenty-four hours before the convention (council) met. The Democratic platform committee consisted of an ex-United States representative and member of the shipping board, five women, an ex-governor, an Episcopal rector prominent as the friend of striking textile workers, a state bank commissioner, three farmers, a leading corporation lawyer, an official of the state federation of labor and a young French lawyer regarded as a leader among his people. It must be admitted that such a group, so adequately representative of all phases of opinion, should be able to draft a platform that would look in all directions at the same time. Obviously in states where

the direct primary has been adopted, but the party delegate convention retained as the platform authority, no attempt has been made to gear the candidates to the party principles. The degree to which the party organization has in such cases been kept in the control of the opponents of the primary, even when the members of the state committee are elected directly at the primary, is remarkable. Nevertheless, in such cases the primary nominees probably exercise great influence over the content of the platform. This year in Nebraska the Republican candidates for state offices met once or twice before the convention to consider the position they wished the party to take in the campaign. The convention was very receptive to their suggestions although it is said conventions have not always been so.

EFFECT OF DIRECT PRIMARY ON PARTY PLATFORM

The general effect of the direct primary on the party platform may be considered at this point. In Alabama, platforms are said to have fallen into a state of innocuous desuetude; in Illinois, the delegates are content to leave the platform—"superfluous and of no consequence"—to the successful candidate at the primary; in Arkansas, the tendency is for the counties to say, "the governor has been nominated and we will send his friends to the state convention," which usually adopts his recommendations; in Kansas, the primary is said to have had no effect on the platform, nor in Michigan "except to permit candidates to dodge responsibility to their party"; in North Dakota, the platform-makers generally consult with the nominees and the primary has rendered the platform less "sacred"; in Arizona the primary has beneficially affected platform making

(the platforms in Arizona this year seem to be quite adequately described, however, as composed of "glittering generalities"); in Maryland the primary throws the initiative more into the party officials' hands; in Colorado it has made at least the preliminary platform more general; in Iowa it has "somewhat destroyed it," or has caused platforms to be ignored, since candidates define their own platforms and might as well officially frame them, or has caused platforms to be superfluous; in Washington platforms are simply "sugar to catch flies" (but see above) since as long as the candidate refuses to acknowledge party control there can be no platforms expressing a real conviction upon big vital questions. The advisory plan in Washington showed a weakness in that the state chairmen found difficulty in getting together a working committee and when the advisory platforms reached the resolutions committees of the conventions, one point only was kept in mind, "Will this get the voters, and what will the reaction be?" The platforms adopted read nicely but there was a similarity in all the platforms on all the general principles enunciated. From New Jersey comes the opinion that prior to 1911, the date of the adoption of the direct primary for state offices, state platforms were largely made for suckers, but that now the platforms made by candidates have meant very nearly what they said and a performance on the pledges is always brought forward by the party in power as an argument for its retention. This correspondent and another note that the Republican nominee for governor carried through the convention his personal platform on utilities in spite of some opposition from the party leaders. This quotation from an Oregon irreconcilable may be worth while: ". . . hence we

have no organized body in a party which may adopt a platform. Each self-appointed saviour of the 'dear peepul' mixes up his own molasses when he becomes a candidate in the primary election; nominated, he usually runs his own campaign, the state committee and county committees trailing along behind, endeavoring to keep up some semblance of party organization; elected, he gives the people an individual responsibility and not a party responsibility in the administration of the affairs of his office, and upon the expiration of his term becomes the object of a cut-throat attack upon the part of other members of his so-called party who seek to defeat him for renomination; in office, he builds his own personal machine, and the regular party organization takes the 'hindmost.'" This year a convention of nominees and members of state and county committees was called and a platform adopted, all of which was so much time wasted because of a fight upon the K. K. K. and the school bill.

The Iowa situation this year was interesting. It seems that the party managers, convinced that Brookhart would not receive the 35 per cent of the party primary vote required to constitute a nomination, devoted their efforts to electing delegates to control the state convention, which they thought would be called upon to nominate. Consequently about 80 per cent of the convention was opposed to Brookhart, the party nominee. However, one writer states that the platform was that of a minority of the party, and Brookhart the nominee of a majority, although he received about 40 per cent of the vote and had four or five opponents. At any rate, the convention did not endorse nor denounce Brookhart, and softened its platform in order to avoid an open party split.

Brookhart was opposed by six Iowa ex-governors, by which one sees that it takes more than the primary apparently to elect men free from control by the "interests," if Brookhart is to be believed. One writer says that Brookhart accepted the platform, another that the people elected an extremely radical Republican on a conservative platform in preference to a conservative Democrat on a radical platform. One view is that the majority of the people of Iowa did not accept Brookhart's program, but that he was elected because he had obtained the Republican nomination, which is equivalent to an election. Here, then, is where party regularity in action spelled progressive success. No doubt the Non-Partisan Leaguers owe something elsewhere to party regularity. It seems that 80,000 fewer votes were cast for senator than for governor, and that the Republican governor had a majority of 250,000 while Brookhart's was only 150,000.

PLATFORMS REDUCED TO INSIGNIFICANCE

Granted that platforms ever meant anything, we have succeeded in reducing them in the main to insignificance, although a strong statement comes from Arizona, which one cannot avoid thinking is either naive or partisan: "Nothing was adopted in the platform that was not intended in good faith to be performed after election by the party and officers." Some voices are raised in Washington, New Jersey, Iowa, New Hampshire, Connecticut and Maryland to the effect that platforms carry considerable weight in campaigns. From three or four states comes the suggestion that platforms are of little moment when the parties are not evenly matched. An Iowa editor believes that since labor, farmers, and chambers

of commerce have become so well organized, the platforms have more influence than ever before. But majority opinion holds the platforms in slight esteem. "The voters in the general elections know nothing of the platform and care nothing about it," from Arkansas, matches the following from Michigan, "I should venture to say that not one voter in a thousand in Michigan ever reads a party platform."

And is this not encouraging to the reformer? Is not an assumption of the meaninglessness of platforms and of party differences involved in ticket-splitting when practiced as to party candidates within the same field of government, and in the movement for the Massachusetts ballot? Else what consistency among the few hundred thousand Californians who in 1916 voted for a senator to make laws and a president to veto them? Or in Nebraska this year, where Kansas' position on the industrial court is duplicated on the "code"? If parties have not principles, how can voters be expected to read platforms which might not correspond to principles even if such there were? We seem to have fairly definitely decided to give up an attempt at party government for the present in the states,—several of them, at least,—as we have done in so many cities. If this is so, then any legal provision whatever for a common presentation of principles or program by two or more candidates would seem to be folly, whether by convention or by party council.

Several party leaders—from Michigan, Maryland, New York, Washington, Oregon, North Dakota and Ohio—oppose a candidates' platform on the ground that the "party members" or "voters" or "people" should determine the principles upon which they wish their candidates to stand,

"Were each candidate to depend entirely upon a home-made platform the chaotic result is easily imagined." "If candidates elected by the primary were allowed to make the platform we would have a hodge-podge of political opinion and political opportunism impossible to handle." It is, of course, natural that strong party men should find it easy to imagine that parties stand for definite principles.

CHARACTER OF PLATFORM DRAFTED BY DIFFERENT METHODS

As between platforms made by candidates and those made by delegates, do the documents themselves show any difference in conciseness, consistency and applicability to state issues? Certainly a careful reading of any particular platform does not enable the reader to determine whether it is convention-made or council-made. Some of the platforms this year most seriously lacking in the ordinarily conceived desiderata were drafted by party councils. Perhaps the platforms in Rhode Island, Connecticut and New Mexico—non-primary states—most offended academic taste in platform criteria, but only to a degree, if at all, more than several others. It seems a logical course either to try to have parties as responsible as they may be made for their candidates and principles, or to throw parties into the discard entirely. Perhaps we are doing the latter as rapidly as is wise. We can hardly gain anything by maintaining a practice which cannot be made intelligible even to the careful student of politics. If official responsibility is to be individual, let the confusion caused by the reference to parties and the use of party names be ended. How, for instance, could platforms mean anything where the open primary permits voters of all

so-called parties to mingle freely? It may be suggested at this point that perhaps the more frequent swings from party to party today than in the past century, due to what is commonly called the independence of the voters, may be rather the result of the shifting of parties or the meaninglessness of parties. It is a question whether primary candidates do not tend to sacrifice principle fully as much as nominees under the convention system, and it is hardly reasonable to expect a collection of such nominees to be able to give expression to a clean-cut position on really controversial questions. Thus while the candidates strive more earnestly to appear to be what they think the people want them to be, it is doubtful whether another supposed function of parties—the presentation of conflicting programs to the voters—is not hindered.

Do the platforms this year indicate any differences between the parties on state issues? It would seem not. One cannot readily tell whether he is reading a Democratic or Republican platform as far as the expressed attitude toward government is concerned. "We believe and strongly urge . . . that the 18th amendment . . . both national and state, be strictly enforced," runs the Democratic platform of Wisconsin, and, "We advocate the granting of the use of light wines and beer to the people . . .," reads that of Maryland. The Democratic Party in New York and probably in South Dakota favors the centralization of state government, while in Idaho, Nebraska, Michigan, and Missouri it opposes such reorganization. Of course the record of the party in office is the main basis of differing judgment among the voters or else economic conditions for which neither party has had much responsibility. The portion of state platforms devoted to

matters of national control varies widely in the different states and parties, with a tendency to constitute one-half or one-third of the whole. Thus, one-half of the North Dakota, Vermont and New Mexico Democratic platforms discuss national affairs, in Nevada and Wyoming two-thirds, and in Maryland four-fifths, with hardly a single definite proposal, with the exception of that for light wines in the last, while in Idaho and Michigan there was no reference to national matters. About one-half of the Washington, Ohio and Michigan Republican platforms were national in character. In Colorado, national and state questions were confused and mingled throughout the Republican platform. Although some correspondents in New Jersey insisted that there were state issues involved in the election this year, such as a bond issue for roads and the regulation of public utilities, the best informed person seems to have summarized the situation correctly when he said, "There was not a great deal of difference between the parties on this point. The final result is to be attributed to a protest against prohibition, with dissatisfaction with the national administration taking a second place." And in Iowa one writer comments, "The contest in Iowa concerned largely, if not wholly, the personality and political beliefs of Smith W. Brookhart."

IMPROVEMENTS IN PLATFORM-MAKING

But it may be granted that even if the major parties in the states have no real principles, they may still be of some utility. If so, how may platform-making be improved? The present condition is quite unreasonable, especially in states where conventions remain the platform authority. Continual danger exists that platforms and

candidates will not harmonize. Little interest is shown in the election of delegates. In Michigan, the Democratic county chairmen usually make up lists of delegates and pass the word around to the wheelhorses in each precinct. A conflict between would-be delegates on account of political issues is in that state unknown. The voters' interest is in the candidates. In North Dakota not ten per cent of the voters write in the name of anyone for precinct committeeman. Then the conventions contain by far too many members, and in several states these delegates are indirectly elected. Perhaps the most objectionable feature of all, in the case of both conventions and councils, is the time at which the platform is made. In South Dakota the precinct caucuses meet the second Tuesday of the preceding November. In many states, especially in presidential years, the state convention or council meets in the early summer. It would be preferable to have the primary not more than six or seven weeks before the election. This would give the platform bodies an opportunity, if it would not place them under a greater necessity, of speaking to the question, for issues seldom take definite form until a few weeks before an election. It seems desirable that there should be some means of ascertaining the attitude of the voters at the primary on the questions on which the party is likely to take a position. This is done to a degree, it is true, through the selection of candidates. The writer's proposal that a group of party representatives be permitted to propose a set of candidates to the primary voters would apparently afford a means of more definite decision than is offered at present. And if state issues are to receive adequate attention there is quite as much need for the separation of state and national elec-

tions as for that of state and municipal elections.

The recommendations offered are in summary these: state elections, if possible, in a year by themselves; platform-making not more than six weeks before the election, by a body greatly restricted in numbers, including perhaps several recognized party leaders chosen by appointment; and the proposal to the primary voters of a

set of candidates and issues by a preliminary meeting of responsible party representatives.

The function of platforms as possible indications of public opinion, the economic interpretation of platforms, and the possible value to a state's citizenry of political and partisan agitation and discussion, even when the outcome is the result of no real difference in policy, cannot be discussed here.

Non-Partisan Nominations and Elections

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THERE is no phase of our recent political history which is more interesting than the vigorous movement for non-partisanship in state and local primaries and elections. It is a movement which has been heralded with glad acclaim by political reformers of many types and in many places; and it has been accepted with silent satisfaction by not a few shrewd politicians of the professional variety by reason of the advantages which, because of local political conditions, it has conferred upon them and their organizations. While there seems to be no general agreement as to the character or value of the results which it has accomplished, the movement has continued to spread, although not without an occasional setback. At the present time, non-partisan ballots are being used to nominate and elect public officials of three rather distinct groups: first, the officers of cities, towns, and counties; second, both state and local judges; and third, in Minnesota, the members of the state legislature. In addition, the proposal to nominate and elect all state officials on ballots without party designations has been submitted to the electors of California and North Dakota, and has been in each case rejected at the polls.

It is the purpose of this paper to attempt a survey and appraisal of the non-partisan primary and election scheme as it has been applied to the selection of these different types of officials.

I. NON-PARTISAN NOMINATIONS AND ELECTIONS IN LOCAL GOVERNMENT

A. *The Origin of the Movement*

There are a number of reasons why the non-partisan ballot should have

made its first appearance in municipal elections and why it should have been used in such elections much more extensively than elsewhere. In the first place, party loyalty had not infrequently been broken down by the numerous independent or reform movements which had characterized municipal politics. Resentment and protest against the exploitation of the city by self-seeking and venal political machines had on numerous occasions caused decent citizens of all parties to join hands.¹ In other words, the idea of non-partisanship received a powerful impulse from the general movement for political sanitation in city government. Then, in the second place, it became evident that national party labels on municipal ballots served to distract the attention of the voters from real municipal issues. As has been aptly said, the use of the Republican or Democratic insignia in city elections served as a sort of "smoke-screen," behind which municipal spoilsmen and office-brokers could hide in safety. And finally, the comparatively recent demand for real efficiency in municipal government has brought with it a recognition of the distinction between politics and administration and of the fact that city government is largely a matter of administration. The real issues in municipal elections are in the main, issues of administrative efficiency rather than issues of policy upon which political parties might be expected to differ. It has seemed desirable therefore, to rule

¹ Party lines have never been so closely drawn in municipal politics and the stigma of irregularity has not attached to the man who has assumed an attitude of independence. For further elaboration of this see Merriam, *American Party System*, 89 ff.

out partisanship from the field of city politics as an irrelevant hindrance to business-like administration. Whether or not the worthy ideals here mentioned have been, or can be attained by the simple act of striking party labels and emblems from the municipal ballot is a question however which can be answered only in the light of actual experience.

B. *Present Extent of Non-Partisanship in Local Government*

There is no easy way of determining the precise number of municipalities in the United States in which non-partisan primary and election ballots are used, and the value of such statistical information would hardly compensate for the labor necessary to acquire it. There are some states in which municipal nominations and elections are required by state law to be non-partisan.² In other states, towns and cities under home-rule or optional charter provisions, enjoy the privilege of dispensing with party labels and emblems if they so desire. An overwhelming majority of the cities which have adopted the commission and commission-manager plans of government have introduced the non-partisan ballot. In addition, there are a number of larger cities, among them Cleveland, Buffalo, Boston, Pittsburg and Philadelphia,

² In North Dakota and Wisconsin all municipal elections are non-partisan. *Laws of North Dakota*, 1913, Chap. 73; *Laws of Wisconsin*, 1913, Chap. 5, sec. 35-20. In Minnesota the non-partisan ballot is used in cities of the first and second classes and in villages having 8,000 inhabitants or more. *Minnesota Laws*, Chap. 12. *Laws 1921*, Chap. 8. It is interesting to note that the first Australian Ballot law adopted in the United States provided for a non-partisan municipal ballot for the city of Louisville, Kentucky. *Laws of Kentucky*, 1888, Chap. 266. The text of the act is also found in Wigmore, *Australian Ballot System*, p. 138. The non-partisan feature of this law can hardly be attributed, however, to an appreciation of the problem under discussion in this paper.

where the non-partisan system prevails, while Chicago has eliminated party designations in the choice of aldermen.

The extension of the non-partisan system to county government has been much slower than in the case of cities. In California, North Dakota and Minnesota, all county officers are nominated and elected on non-partisan ballots in accordance with the requirements of state law.³ In other states the non-partisan principle has been applied to the election of particular county officers such as school superintendents⁴ and county judges.⁵ It seems probable that the considerations which have accelerated the movement in cities will lead to its gradual extension in county government as well.

C. *The Results of Non-Partisan Ballot in Local Government*

[a.] *The Difficulty of Appraising the Results.* It is rather difficult for several reasons to estimate with assurance the results of the non-partisan ballot in local primaries and elections. In the first place, there is a sharp conflict of judgment as reflected in the opinions of persons who are in a position to know. In the second place, the non-partisan ballot has in many cases ridden into city government upon a wave of aroused public sentiment, which could hardly fail to drive out corruption and mismanagement, regardless of the type of ballot used. How much of the happy consequences are due to this reform spirit and how much to the non-partisan ballot, it would be somewhat hazardous to say. And finally, the non-partisan ballot has usually been merely an incidental fea-

³ California, Act of June 16, 1913; Minnesota, *Laws 1913*, Chap. 389; *Laws of North Dakota*, 1919, Chap. 117.

⁴ Nebraska, *Laws of 1917*, Chap. 37; Wyoming, *Laws of 1915*, Chap. 59; Wisconsin, *Laws of 1911*, Chap. 333.

⁵ See *infra*, p. 86.

ture of a somewhat radically revised form of municipal government, embodying some form of the short ballot, as in the commission or commission-manager charters. Here again it is hard to state how large a share of the good result comes from the elimination of party designations from the ballot, and how much from the increased simplicity and responsibility arising from the short ballot.

[b.] *Has the Non-Partisan Ballot Made Local Government Non-Partisan?* Lack of space precludes a consideration of the many advantages claimed for the non-partisan system by its advocates, or the unsatisfactory consequences attributed to it by its opponents.⁶ We may, however, pause to inquire whether the system has really driven the national parties out of municipal politics. It is probable that this has occurred in the small towns and cities where candidates are likely to be personally known to their fellow townsmen, although it must be admitted that the intrusion of national partisanship was never a very serious evil in such municipalities. In the case of the larger cities however, the results are by no means so clear. It is probably true that the influence of the national and state party organizations in municipal affairs has been greatly weakened and in some cases practically eliminated, although it should be recalled that there have been several other types of municipal reform which have tended to

produce the same results.⁷ That this has been a desirable thing is conceded even by strong party leaders.⁸ It seems fairly clear however, that partisanship and not infrequently partisanship of an objectionable variety has flourished under the shelter of anonymity in our large cities.⁹ In some of the cities having the non-partisan ballot, the traditional party alignment between Republicans and Democrats has been replaced by a party division upon the lines of conservatism versus radicalism in respect to social and economic problems.¹⁰ Minneapolis, St. Paul and Milwaukee afford examples of this situation. It seems safe to say that the elimination from the municipal ballot in large cities of party designations does not *ipso facto* eliminate municipal partisanship. Where the electorate is large, or where the ballot is long, or where both conditions exist, party organizations are doubtless inevitable and desirable. The voter can hardly do without some sort of guide in making his selection of candidates unless he is to resort to sheer

⁷ Among these may be mentioned civil service reform, centralized purchasing and improved regulation of municipal contracts.

⁸ Such is the testimony of such a staunch party leader as the late Senator Boies Penrose of Pennsylvania. Shortly after the enactment of the new charter for Philadelphia in June, 1919, he expressed himself as follows: "One general principle is clearly establishing itself; that municipal government increases in efficiency in the exact ratio in which it is divorced from partisan politics. In this connection I might state that in my judgment, party efficiency and capacity for general public service increases in the ratio in which it disentangles itself from municipal politics. For instance, party principles are not even a secondary consideration with the Democratic Tammany machine in New York, or the Republican contractor's machine in Philadelphia. Each of them exists solely to promote selfish interests, and each of them is an incubus and a liability to the party with which it is aligned." *Municipal Reform in Philadelphia* (pamphlet issued by Citizen's Charter Committee), p. 1.

⁶ An excellent summary of the arguments for and against the non-partisan municipal ballot is found in Capes, *The Modern City and Its Government* (1922), Chap. V. See also Arndt, *The Emancipation of the American City* (1917), Chap. VI. No attempt is here made to present an extended list of references on this point. See Munro, *Bibliography of Municipal Government*, 35-36. The matter has been widely discussed in the recent literature of municipal government and information relating to individual cities is to be found in the volumes of the *National Municipal Review*.

guesswork. Whether he is better off under a system where the organizations supporting candidates must work unofficially and without the aid of party labels, than he is under a scheme where the party labels used are of necessity more or less irrelevant to the issues involved in the election, becomes a much closer question than many of the advocates of non-partisanship are willing to admit. The writer ventures the opinion that while the results accomplished by the non-partisan ballot in local government have been far less salutary and revolutionary than was expected at the outset of the movement, those results have on the whole been distinctly wholesome.¹¹

II. Non-Partisan Nominations and Elections to Judicial Office

A. Causes of the Movement

Several factors have contributed to the extension of the non-partisan ballot to judicial primaries and elections. In the first place, there has always seemed to be a certain incongruity in choosing upon the basis of party affiliation, officials whose functions demanded the most rigid impartiality and the most complete

⁹ See the interesting symposium upon the question of non-partisanship in municipal government, *National Municipal Review*, VI, 201-237 (1917). Nor have party lines been eliminated from municipal elections in England where the non-partisan ballot is used. Munro, *Government of American Cities*, 158; Munro, *Government of European Cities*, 346-7. Lowell, *Government of England*, II, 151.

¹⁰ Dr. Charles A. Beard takes the position that this is a normal tendency which is bound to extend itself. He concludes that in view of such a definite and inevitable party division in municipal politics, no gain will be had from the elimination of party problems from the ballot. See his article, *Politics and City Government*, *National Municipal Review* VI, 201-6 (1917).

¹¹ Professor Munro is of the opinion that more is to be gained by encouraging the state parties to incorporate definite municipal issues into their platforms, thus securing party responsibility

freedom from partisan or personal influence. Secondly, it has been a notorious fact that in numerous cases, political parties have not scrupled to use judicial offices as the spoils of party warfare, and have in some cases practically sold judicial nominations to men who would pay the highest price.¹² Various methods had been devised to eliminate these grosser evils and to protect the independence of the bench. In one or two instances systems of election or appointment were adopted designed to guarantee bi-partisan courts.¹³ It seemed but a natural and desirable step, therefore, to provide that judicial officers should be chosen on ballots from which all party designations have been removed.

B. The Present Status of the Non-Partisan Judicial Ballot

There are at present eleven states in which the non-partisan judicial ballot is in use for the election of Supreme Court, district or county judges.¹⁴ There are in addition, numerous cases which need not be considered here, in which municipal judges are chosen on non-partisan ballots along with all the other municipal officials. In Kansas, Iowa and Pennsylvania the non-partisan judicial bal-

in municipal affairs, than by adopting a non-partisan ballot. *Government of American Cities*, 160-1. See also Maltbie, *Municipal Political Parties*, Proceedings of the National Municipal League, 1900, p. 235. It may, however, be questioned whether the Republican and Democratic Parties under normal circumstances would find themselves in disagreement upon municipal issues.

¹² Beard, *American Government and Politics* (3d Ed.) 669, quoting from the hearings before the Mazet Commission (1899), "to investigate Public Offices and Departments of the City of New York." Also Ostrogorski, *Democracy and the Organization of Political Parties*, II, 425.

¹³ Const. of Delaware, Art. IV, Sec. 3 (1897) provides in part that "the said appointment [by the governor] shall be such that no more than three of the said five law judges [of the Supreme

lot has been abandoned.¹⁵ In Minnesota the non-partisan system has been retained; but under the provisions of a recent law, political parties are allowed in party convention to endorse candidates for the Supreme Bench¹⁶ and the Republican Party and the Farmer-Labor Party both availed themselves of this privilege in the 1922 election.

C. *The Results of the Non-Partisan Judicial Ballot*

[a.] *Advantages of the System.* The advantages claimed for the non-partisan judicial ballot may be stated as follows: First, it has made possible the election to judicial office of men affiliated with minority parties. States which are dominantly Republican, for example, found that under the party system only Republicans were likely to be chosen as judges.¹⁷ With a non-partisan ballot, Democrats and Republicans could compete in such states upon a practically equal footing. This consideration had weight at the time of the introduction of the non-partisan system in Minnesota in 1912.¹⁸

Court] in office at the same time, shall have been appointed from the same political party." In Pennsylvania minority party representation on the Supreme Court is provided for by a system of limited voting as follows: "Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two." Const. Art. V, Sec. 16. A similar scheme for judicial elections in Philadelphia is provided in Section 12 of the same article. For a defense of a bi-partisan judiciary see the address, *Politics and the Judiciary*, W. R. Smith, proceedings of the Bar Association of Kansas, 1905, p. 53, reprinted in Reinsch, *Readings on American State Government*, 158.

¹⁴ The list, with the dates of adoption of the non-partisan system, is as follows: Arizona (1911, by constitutional provision), California (1911), Idaho (1913), Minnesota (1912), Nebraska (1913), North Dakota (1917), Ohio (1911), South Dakota (1915), Washington (1911), Wisconsin (1911), Wyoming (1915).

In the second place, the non-partisan judicial ballot has worked to the advantage of the sitting judges who desire reëlection. This is probably a wholesome result on the whole. It arises from the fact that usually all that the voter can learn about judicial candidates is that one is already on the bench and the other is not; and feeling that in general, judicial experience is desirable, he votes for the man who has had it. While this sometimes results in the retention of judges who might better be retired, this is the exception and not the rule. In the third place, the non-partisan system has tended to develop in the bar of the state a sense of responsibility in respect to judicial candidates, and has led them in a few cases to adopt the policy of making a more or less formal endorsement of the men they regard as best fitted to hold judicial office.¹⁹ Where this is done the voter is given guidance of genuine value in casting his ballot. Fourthly, in several of the northwestern states, where the determination of the Non-Partisan League to effectuate its economic and political program has endangered the independence of the courts and threatened to lower the

¹⁵ The Kansas non-partisan judiciary act, *Laws of 1913*, Chap. 193, was repealed at the next session of the legislature. See *Laws 1915*, Chap. 207. In Iowa the non-partisan system established by Chap. 104, *Laws of 1911*, was repealed years later, *Laws of 1917*, Chap. 63. An interesting system was set up in its place. Judicial nominations in Iowa are made by special party conventions held for that purpose alone. Each party holds a convention for nominating political officers and another to nominate judicial candidates. The membership of these conventions is required by law to be mutually exclusive. The election of judges is by party ballot. Pennsylvania in 1921, *Laws of 1921*, Chap. 423, abolished the non-partisan judicial ballot which had been in use since 1913, *Laws of 1913*, Chap. 1001, and restored judicial nominations by party conventions. In 1913 a state law was passed in Missouri (*Laws of 1913*, p. 334) providing a non-partisan ballot for state circuit

standard of judicial ability therein, the ballot without party designation enables the more conservative elements in the electorate to join regardless of party lines, in an effort to prevent such undesirable results.²⁰ Finally, judges chosen by the non-partisan system assume office free from any political obligations of a definitely partisan character. So far as this result has actually been attained, it is of course wholesome and has doubtless tended to increase the confidence of the people in the impartiality and integrity of the courts.

[b.] *The Disadvantages of the System.* The criticisms which have been urged against the non-partisan judicial ballot come in the main not from those who wish to throw the courts into partisan politics, but from those who are trying to raise the standards of judicial efficiency. Most of these critics are entirely out of sympathy with the method of choosing judges by popular election and particularly with the scheme of nomination by direct primary. Their position is not that the election of judges upon a partisan

judges in St. Louis. A judicial nominating convention was provided for composed of delegates from all political parties in ratio of party strength. The candidates so nominated were to be voted for on a non-partisan ballot. Not more than half of such candidates could be members of the same party. This interesting law was repealed in 1919 (*Laws of 1919*, p. 329).

¹⁶ *Laws of Minnesota*, 1921, Chap. 322, Sec. 16. By this act the pre-primary conventions provided for are authorized "to endorse candidates of the party for any office to be voted for by the voters of the entire state. . . ." This, of course, includes Supreme Court justices, although they are nominated and elected on a non-partisan ballot. While the bill was being discussed in the legislature it was proposed to allow party endorsement of candidates for all offices, whether non-partisan or partisan, but this suggestion was not adopted.

¹⁷ That this was not invariably true, however, is shown by W. R. Smith, in his article, *Politics and the Judiciary*, *supra*, note 13.

ballot is a good system, but that their election on a non-partisan ballot is a worse system. The reasons adduced in support of this view may be thus summarized: First, the elimination of party labels from the judicial ballot makes it increasingly difficult for the voter to make even a mildly intelligent selection of judicial candidates.²¹ A party label may be a poor guide, but it is better than none at all. In the first non-partisan judicial election held in Ohio in 1912, the voter was given a separate judicial ticket devoid of party designations, containing the names of thirty-one candidates from which to select eight men to hold six different grades of judicial office. The writer, attempting to vote in that election, was unable to secure any shred of information respecting the ability, character or associations of more than one or two of these men. Further evidence of the voter's difficulty in the non-partisan judicial election is found in the report on *Criminal Justice in Cleveland* made under the auspices of the Cleveland Foundation where it said:

This kind of voting in Cleveland has produced some curious results. At least two candidates, hitherto unknown to the public and of no marked fitness for the

¹⁸ The Bar Association of Ramsey County (St. Paul) went on record in favor of a non-partisan bench. See *Minneapolis Journal*, May 21, 1912, p. 4. See editorial in same paper, May 22, 1912, supporting the non-partisan judicial ballot proposal on ground that Democrats could not secure judicial office before.

¹⁹ The influence of the bar in the choice of judges is probably greater in Wisconsin than elsewhere. A bar primary is held and candidates thus brought forward almost invariably receive popular support at the polls. See Bulletin IV-A of the American Judicature Society, p. 9; also the address of Chief Justice Winslow of the Wisconsin Supreme Court, *The Problem of Non-Partisan Judicial Reform*, Minutes of Kansas State Bar Association for 1914, p. 41. In Minnesota the local bar associations frequently endorse candidates for local or district judicial

bench, were elected to the Municipal Court because they bore the same names as two retired Common Pleas judges who had built up good will through many years of service. In one election a blacksmith carried Cuyahoga County (Cleveland) as a candidate for Chief Justice of the Supreme Court of Ohio, because his name was similar to that of the well-known judge of the Probate Court. At the next succeeding election for the Supreme Court the same man ran third in the field of seven.²²

The results in Ohio would doubtless be better if there were a shorter judicial ballot; but even in Minnesota, where a considerably shorter ballot does prevail, the voter finds himself pretty much at sea in voting for judicial candidates.

A second criticism of the system under discussion is that it accentuates perhaps the most unfortunate aspect of the elective judiciary; namely, the necessity for personal campaigning by candidates for judicial office. The party primary and the non-partisan primary are both objectionable in this regard, but by the non-partisan election the evil is carried over into the final campaign as well. Under the old party system the prospective judge could rely upon the party organization to present his claims. He

office. This is particularly true in Minneapolis and St. Paul. Here, however, the nominations do not originate even indirectly from the bar and the endorsement is in the form of an expression of preference for certain of the candidates who have offered themselves.

²⁰ In North Dakota, for example, a candidate for the state supreme court appeared before the convention of the Non-Partisan League and promised publicly, if elected, to vote to sustain the constitutionality of the League program. He was elected by a large vote. See Bruce, *The Non-Partisan League*, 170, 172-3.

²¹ A. M. Kales, *Methods of Selecting and Retiring Judges*, Bulletin VI of American Judicature Society, p. 36; James Parker Hall, *The Selection, Tenure and Retirement of Judges*, Bulletin X of American Judicature Society, p. 10.

²² *Criminal Justice in Cleveland*, p. 269.

did not have to go out as a rule and seek votes in person. The greater dignity of the campaign so conducted made it possible to induce men to run for judicial office, to whom the necessity for widespread self-advertisement would be most repugnant. It is of course true that the non-partisan system has not converted all our judicial campaigns into vulgar exhibitions of demagoguery. It has, however, been of advantage to the candidate who understands the science of publicity and in conspicuous cases, as in Cleveland and in California, has developed a practice of judicial popularity-seeking quite incompatible with the efficiency and integrity of the bench.²³

Finally, the non-partisan ballot has tended to create a system of wholly irresponsible nominations and elections to judicial office. Under the party convention system there was a definite sponsorship of judicial candidates by the party organizations.²⁴ It is true that abuses crept into the system. But it is also true that party organizations have in recent years grasped the opportunity of nominating judicial candidates of high character

²³ *Ibid.*, p. 268 et seq. In this same study it is shown by statistical charts, that the judges in Cleveland prior to the adoption of the non-partisan ballot, "were apparently well seasoned in the private practice of law, whereas after that date the majority had been trained chiefly in the office of inferior judge or prosecutor." *Ibid.*, pp. 255-8. In other words, the man holding political office, with its consequent publicity has an advantage in seeking high judicial office over the less conspicuous practitioner. The existence of a somewhat similar and equally undesirable situation in California is pointed out in the *Transactions of the Commonwealth Club of California*, Vol. IX, 311-12.

²⁴ The major objection is perhaps against any kind of judicial primary. The non-partisan primary is no worse than the party primary and may be in some respects better since it makes possible the nomination of independent candidates. But the non-partisan election carries over all the evils of the primary into the actual election of judicial candidates.

as an effective means of strengthening the party ticket. The party has frequently much at stake in nominating and supporting a first-class man. It becomes, to use President Lowell's phrase, a responsible "broker" of candidates. Under the non-partisan system this "brokerage" disappears entirely, leaving the voter practically without chart or compass wherewith to steer an intelligent course.

In conclusion, the writer ventures the opinion that no substantial gain has been made by the introduction of the non-partisan judicial ballot, but that in general it has resulted in a less intelligent selection of judicial officers.

III. NON-PARTISAN PRIMARIES AND ELECTIONS FOR POLITICAL OFFICES IN STATE GOVERNMENT

A. *History and Development*

The extension of the non-partisan ballot in local and judicial elections has naturally stimulated the inquiry whether all state officers might not properly be chosen on ballots without party designations. Proposals to this effect were included in two governor's messages in 1917²⁵ and in two states, California and North Dakota; the voters have voted upon the question in each case adversely. In both of these cases the proposals for a statewide non-partisan ballot seems to have been defended or attacked largely upon the basis of their probable effect upon the fortunes of the various political interests involved, rather than upon the pure merits of the issue itself.²⁶

²⁵ Governor Frazier of North Dakota recommended that all county legislative and state officers be chosen on a non-partisan ballot. Governor Lister of Washington proposed the non-partisan system for state, county and city elections.

²⁶ The California non-partisan election laws were passed in 1915, in response to the urgent message of Governor Johnson. For the substance of his message see Non-Partisan Govern-

The interesting experience of Minnesota, in which state members of both houses of the state legislature have been nominated and elected upon a non-partisan ballot since 1913, merits somewhat more extended consideration.²⁷

B. *Non-Partisan Legislative Ballot in Minnesota*

[a.] *Origin of the System.*²⁸ The elimination of party emblems from the legislative ballot in Minnesota was not a "reform" movement. There had been no previous demand for it nor discussion of it. It came with a shock of surprise not only to the state at large, but probably to most of the members of the legislature responsible for its enactment into law. It apparently grew out of a rather complex local political situation in which the following factors seem to have exerted more or less influence: First, were involved the political ambitions of the then Republican governor, who had managed to alienate a portion of his own party and who felt that his interests would be furthered by a weakening of party lines.²⁹ Second, the liquor interests of the state are said to have proposed the non-partisan feature as a means of making the direct primary law under

ment, *American Political Science Review*, IX, 313. A referendum was invoked under the auspices of the state Republican Committee. Arguments for and against the measure are found in the official publicity pamphlet issued by the Secretary of State prior to the referendum election and in the *Transactions of the Commonwealth Club of California*, Vol. X, p. 459 et seq. The proponents of the measure seemed on the defensive. The opponents of it charged that it was designed to serve the political interests of the rapidly dying Progressive Party. In the special election held on October 26, 1915, the measure was defeated by a vote of 112,681 for and 156,967 against.

The North Dakota Non-Partisan Election measure was initiated by the Independent Voters' Association. That organization instituted a recall election against Governor Frazier (Non-Partisan League) and two of his

consideration so obnoxious as to insure its defeat, whereas the dry forces came forward with unexpected support for it.³⁰

Finally, it has been suggested, the 1912 Progressives desired to reënter the Republican fold in the state without openly assuming the humiliating rôle of the prodigal son. They could return under cover of non-partisanship.³¹ Just how much weight is to be attached to these influences it is exceedingly difficult to say.

[b.] *The Results of the System*

(1) *Difficulty of Appraisal.* There exists in Minnesota what seems to the writer to be an almost even difference of opinion as to the relative merits and demerits of the non-partisan legislative ballot. Able and thoughtful people have reached conclusions which are diametrically opposed.³² In 1921, the writer sent a questionnaire to the members of both houses of the Minnesota legislature, asking for opinions upon various phases of the non-partisan system.³³ Replies were received from about one third of the members; practically half of these expressed the opinion that the non-partisan system had produced beneficial results, while the other half were firmly convinced that it had worked in a thoroughly unsatisfactory manner. Opinions of both varieties came indiscriminately from

associates in office and initiated seven measures, of which this was one, to be voted on in that election. The Independents gave the non-partisan election measure divided and somewhat half-hearted support during the campaign. The Non-Partisan League forces attacked it, calling it the "Federal Job Act," and claiming that it was designed to allow those who were fighting the Republican Party in the state (which the Non-Partisan League had largely captured) to lay claim as Republicans to federal patronage within the state. See official publicity pamphlet issued by the Secretary of State. In the recall election on October 28, 1921, the Non-Partisan League officers were recalled, but all of the measures initiated by the Independent

members who had served under both systems.

There is another factor also which makes it hard to appraise the results of the Minnesota system. This is the interesting political situation which has developed quite generally in the Northwest as a result of the political activities of the Non-Partisan League. That organization, supported not infrequently by the Socialists and by the labor group, has advanced a program which has aroused bitter opposition both among Republicans and Democrats, with the result that the traditional political alignments have tended to be obscured. Recent campaigns in Minnesota have turned largely upon the issue of conservation against radicalism. This situation has developed simultaneously with, but wholly independent of, the operation of the non-partisan legislative election system; and any appraisal of the results of that system must of course reckon with the fact that the old Republican-Democratic political alignment would have largely disappeared from the Minnesota legislature, even if party designations had been left on the legislative ballot. Keeping in mind these

Voters' Association were defeated. The non-partisan election measure was beaten by a heavy vote. In the opinion of competent observers it helped to defeat the other measures. See analysis by Charles B. Cheney in *Minneapolis Journal*, December 6, 1921.

²⁷ *Law of 1913*, Chap. 389.

²⁸ In the remaining portion of this paper the writer has drawn heavily upon the researches of one of his graduate students, Sister Helen Angela Hurley, of the Faculty of the College of St. Catherine, St. Paul. He has also been aided by the observations and judgment of his colleague, Professor William Anderson, Director of the Bureau for Government Research, University of Minnesota.

²⁹ *Minneapolis Journal*, May 17, 1912. An editorial entitled "A Move in Despair" characterized the proposed revision of the primary law out of which the non-partisan system grew as "the desperate act of a beaten man."

facts, it is nevertheless possible to indicate certain fairly definite results which have come from the non-partisan legislative ballot.³⁴

(2) *The Candidates.* The non-partisan nominating system has probably produced a more cosmopolitan group of candidates than the old plan. The door of opportunity stands open to anyone who can muster even very moderate support.³⁵ It has presented to the people some candidates of worth who might not have found favor with the regular party organizations, and it has also resulted in many nominations wholly irresponsible in character. It has by no means caused the nomination and election of persons without party affiliations. The candidates are almost invariably members of political parties rather than *bona fide* independents. There seems to be a general opinion that the calibre of legislators is fully as high as it was before the present system was introduced and perhaps even higher. And yet, if the Min-

nesota legislature has improved in its general tone and in the calibre of its members, it must also be borne in mind that that result may also be in large measure attributed to the elimination from state politics of the liquor issue with all its deplorable tendency to undermine legislative integrity.

(3) *The Issues in Legislative Campaigns.* Under the non-partisan ballot system, policies and principles have largely disappeared as issues in legislative campaigns. In some cases the campaign has turned on the question of conservatism versus radicalism, but usually little or no effort has been made to translate those slogans into concrete terms. The determining factors in the campaign are the personality and experience of the candidates, and the extent to which their names are generally known. A premium is placed upon self-advertising. Under the non-partisan arrangement, the state political parties have found little effective use for party platforms; and certainly legislative candidates have paid scant attention to such platforms even when admitting their own party affiliations. In fact, there is a discernible tendency upon the part of such candidates to refuse to commit themselves publicly to anything definite in the way of principles, although this is not invariably

³⁰ The writer has heard this statement made upon the authority of the leaders of the "dry" forces in the legislature of 1913. See also *Minneapolis Tribune*, Feb. 28, 1913.

³¹ *Minneapolis Journal*, February 28, 1913, p. 19.

³² Unfortunately very few of them have expressed their views in writing. For an able argument against the Minnesota Direct Primary Law in general and the non-partisan nominating and electing system in particular, see pamphlet (privately printed), *Minnesota Election Laws in Theory and Practice*, by F. H. Carpenter, one of the leaders in the Republican state organization.

³³ The questions asked were in substance the following:

1. Is the Minnesota legislature genuinely non-partisan? Do political groups therein hold caucuses to map out party policy?

2. Is there effective leadership under the non-partisan system and if so what is its basis?

3. Do you think that the people vote more intelligently because the legislative ballot is non-partisan?

4. In general, do you think the results are better under the present system?

³⁴ The writer can produce little documentary evidence in support of the following statements as to the results of the Minnesota non-partisan system. The statements are based to a large extent upon the confidential replies to the questionnaire sent to the members of the legislature and also upon the writer's personal observations and discussion with other interested observers.

³⁵ In 1922 an undergraduate in the University of Minnesota, one of the writer's students at that time, ran for legislative nomination in one of the Minneapolis districts and secured it. He relied chiefly for support upon the fact that he held a card in one of the railway unions and that he had been a conspicuous figure in university athletics and was personally popular on the campus. He was defeated for election.

the case.³⁶ Thus legislative elections in Minnesota tend to degenerate into popularity contests rather than contests from which any popular mandate upon legislative matters can be inferred. In the campaign of 1922, this condition of affairs was further accentuated in some twenty odd districts by the fact that both the candidates were members of the same political party and could hardly be expected to be in any marked disagreement with each other. The party affiliations of the candidates are generally known, and in the more populous districts this is frequently about all the concrete information concerning the contestants which the average voter can secure. But except in the cases where the issue of conservatism against radicalism has crept in, it is hard to say how much weight is to be attached to such party affiliations. Various parties, groups and organizations resort to the practice of endorsing certain of the candidates during the campaign; but this does not necessarily mean that the candidates have promised to support any particular principles in order to secure such endorsements.³⁷

(4) *The Intelligence of the Voter in the Legislative Campaign.* From what has been said it is fairly clear that the intelligence with which the elector

³⁶ The Minnesota League of Women Voters sent a questionnaire upon specific legislative issues to all legislative candidates in 1922. Of the 396 who survived the primary about 155 sent replies. These replies were not published, but were open for inspection at the League headquarters. It would of course be unfair to assume that because a candidate failed to make a reply, he was trying to conceal his views on legislative issues, but the figures are nevertheless significant.

³⁷ The Farmer-Labor Party publicly endorsed candidates for the legislature in 1922. In certain districts where two Republicans were running against each other the Farmer-Labor endorsement of one of them proved in some cases embarrassing to the recipient by creating a misleading impression as to his views.

casts his vote for legislator in Minnesota depends upon what he can find out about the personal characteristics of the candidates. In the rural districts where personal acquaintance is general and easy, there is evidence that real discrimination is used.³⁸ In the larger cities the voter's problem is more difficult. There is plenty of political advertising sounding the praises of the various aspirants, and one is sometimes aided by the open endorsements of candidates by various groups and interests. But unbiased information about the real character and ability of the contestants it is almost impossible to secure, to say nothing of reliable data as to their principles and policies. This is the writer's own experience and that of many thoughtful people with whom he has discussed the matter.

(5) *Is the Minnesota Legislature a Non-Partisan Body?* There seems to be little doubt that the Minnesota legislature functions in the main on a non-partisan basis. While it is true that each member as a rule is aware of the party affiliations of his colleagues, an analysis of the voting would fail to show any marked alignment of Republicans against Democrats.³⁹ Upon certain issues there has been a definite lining up of conservatives against radicals, but this would un-

³⁸ The original non-partisan law in Minnesota required the words "Nominated at primary election non-partisan" to appear on the ballot after candidates' names. *Laws of 1912*, Chap. 12. In the election of 1918, the first in which the Non-Partisan League figured, this led to confusion, especially in rural districts, where the voters thought the word non-partisan referred to the Non-Partisan League. To remedy this the law was changed in 1919 (*Laws of 1919*, Chap. 230) so that the words "Nominated without party designation" now appear after the names of candidates for non-partisan office.

³⁹ This was the practically unanimous verdict of the legislators who replied to the above-mentioned questionnaire sent by the writer,

doubtedly have taken place had the members been elected on party ballots. The Socialist and Non-Partisan League members in the legislature in 1921 held party caucuses throughout the session and voted as a unit upon many measures. The Republicans and Democrats, however, did not caucus upon matters of legislative policy and no open efforts seem to have been made to encourage the recognition of party lines. Individual members seem to be governed in voting largely by their own personal judgments and no stigma attaches to the Republican or Democrat who votes against the majority of his fellow partisans. It is possible that the added strength in the legislature which the Farmer-Labor party will enjoy in the session of 1923, will produce a more clear-cut and permanent alignment of conservative against radical forces so that a new and genuine partisan division will appear; but at the time of writing it is too early to predict this with assurance.

(6) *Leadership in the Minnesota Legislature.* In the absence of well-organized party groups, leadership in the Minnesota legislature has been greatly weakened and during substantial periods seems to have disappeared altogether. What leadership there is seems to rest largely upon the basis of personality and legislative experience. It tends to fluctuate and is frequently purely temporary. Prior to each legislative session, it is customary to hold an informal inter-party caucus to lay plans for the selection of the speaker and the choice of committee chairmen.⁴⁰ Certain men assume naturally a more

or less dominating position on such occasions. They can never be sure of continued influence however. They may forge to the front as certain issues come up for consideration, and then find themselves deserted as soon as those issues are disposed of. This was notably true of the leadership which asserted itself in 1915 and 1917 when the question of prohibition was being discussed. This lack of permanent leadership and discipline has the advantage of leaving legislators a full freedom of action, in striking contrast to the iron-clad rule of the party caucus in other state legislatures. It results, however, in a good deal of confusion and lost energy; and it also tends to accentuate in the mind of the legislator, the local interests of the district to which alone he finds himself responsible.

(7) *The Position of the Governor.* Not the least interesting consequence of the non-partisan legislative ballot in Minnesota is its effect upon the position of the governor. The governor in Minnesota, as elsewhere, is coming to be regarded as a leader of legislative policy.⁴¹ He is the only officer chosen by the state at large who has any real share in the process of legislation, and the people look to him as the spokesman and defender of state-wide interests. More than any other officer in Minnesota he runs upon a platform of policies, although the definiteness of that platform is not always its outstanding feature. And yet the governor must depend for the carrying out of his policies, to

⁴¹ The Democratic State Platform in 1922, for instance, contained this statement: "We denounce the present administration for forcing upon the legislature the passage of a Tonnage Tax Law of doubtful validity. . . ." The governor apparently had considerable influence in the legislature of 1921. See *Minneapolis Journal*, April 21, 1921; *Minneapolis Morning Tribune*, April 23, 1921.

⁴⁰ Such a caucus was held in November, 1922. See *Minneapolis Journal*, November 22, 1922, p. 17, and *Minneapolis Morning Tribune*, November 22, 1922, p. 1, for an account of work done by this caucus.

say nothing of the confirmation of his appointments, upon legislators committed to nothing in particular in the way of principles and sharing no responsibility for the fulfillment of any promises or declarations he has made. In fact, there have been numerous instances in which members of the legislature have refused during the campaign to take any stand whatever upon the gubernatorial contest, and have only been aroused to the fact that the governor was a fellow partisan when questions of patronage have arisen. Thus, while the governor is being held increasingly responsible by the people for legislative results, the non-partisan legislative system tends, in the proportion to which the legislature is genuinely non-partisan, to render his power actually to assume that responsibility largely a matter of luck.

(8) *Responsibility in the Non-Partisan Legislature.* From what has already been said it must be apparent that the effective enforcement of responsibility for legislation in Minnesota has been virtually destroyed by the non-partisan system. In no state is the enforcement of such responsibility an easy matter. In Minnesota, however, where policies and principles are practically ignored in the legislative campaigns; where effective party discipline has disappeared from the legislative halls; where permanent and recognized leadership is almost wholly lacking, responsibility rests not upon any group or party, but upon the individual members. In other words, legislative responsibility is almost exclusively personal in character, which means that for practical purposes it might as well not exist save in so far as the local interests of the individual legislative districts are concerned. There is plenty of evidence that the Minnesota legislators fully appreciate

this situation. They are accountable to their particular constituents and to no one else. They need not concern themselves with the effect of their actions upon any party because they are not the spokesmen of any party. So long as he can secure a slice for his district, there is no effective political influence to restrain any member from participating in the excesses of pork-barrel legislation; and it has been a matter of general comment that non-partisan legislatures in Minnesota have more than once passed appropriation laws and imposed tax levies which no responsible party would have dared to enact.⁴² Many members of the legislature have themselves borne witness to the fact that there is a temptation and a tendency for the legislator to react in a more or less personal way to legislative problems. He feels inclined to avoid trouble and to keep his own political fences in repair. He can rest safely upon the assumption that his constituents will at most be familiar with only a very small part of his legislative record and that if the more conspicuous parts of that record pass muster, he need not worry about the rest. The writer does not wish to be understood as suggesting that members of the Minnesota legislature are lacking in patriotism or broad-mindedness, but to emphasize that the non-partisan system tends to make personal and local interests overshadow state-wide interests and at the same time practically obliterates real responsibility for legislative results.

IV. GENERAL CONCLUSIONS

The net results of the foregoing study may be summarized as follows: First, in municipal and local government the non-partisan ballot has in general produced wholesome results.

⁴² This charge was widely made against the legislature elected in 1916.

Second, the non-partisan judicial ballot has tended to accentuate rather than alleviate the evils incident to an elective judiciary. Third, the non-partisan legislative ballot in Minnesota has produced results which are on the whole more unsatisfactory than otherwise, although those results are to some extent colored by the local political situation. It is possible, however, to go further and suggest certain general principles which seem to govern the degree of success with which the non-partisan plan can be applied to various types of nominations and elections. These may be stated thus:

(1) *The Size of the Electoral Unit.* The non-partisan plan works best where the electorate is small enough to make widespread acquaintance with the candidates possible.

(2) *The Length of the Ballot.* Where a short ballot is being voted, electoral intelligence is higher and more general than where the ballot is long and complicated, and the absence of party designations from the ballot will prove a less serious handicap. In long ballot elections the non-partisan scheme leads to confusion worse confounded.

(3) *The Character of the Issues.* The success of the non-partisan ballot will vary with the character of the issues involved in the election. Where the issues are primarily those of character or personality, the results will tend to be good. This would be the case in the choice of city commissioners and the like. Where the issues are largely issues of technical ability and expert knowledge, as in the case of all

but the lowest grades of judicial office, popular election will never produce satisfactory results and those results will on the whole be rendered worse by a non-partisan ballot. Where the issues in the election are, or ought to be, issues of policy or principle, they will be obscured by the non-partisan plan with a consequent falling off in effective responsibility, and the results will tend to be increasingly unsatisfactory in accordance with the extent to which non-partisanship becomes a reality rather than a fiction.

(4) *The Need of Endorsements in Non-Partisan Elections.* Finally, the writer ventures to suggest that except in the smallest political units, the non-partisan ballot would produce better results if some plan were evolved, in accordance with which individual candidates might have printed after their names on the ballot, the endorsements of political and non-political groups or organizations. Provision should of course be made to make sure that such groups were actual and responsible bodies. Such endorsements, and a candidate might receive several, would aid the voter materially in making his choice by indicating the kind of sponsorship back of the various contestants. Experience shows that just this process goes on unofficially at present; and there is reason to believe that if such endorsements were legally recognized and regulated, some of the more confusing and unsatisfactory elements in our own non-partisan elections might be eliminated.

Pre-Primary Conventions

By SCHUYLER C. WALLACE

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DOES pre-arrangement fatally compromise the idea of the direct primary? Almost from the inception of the movement there has been an important body of opinion (represented at an early day by the so-called Hughes plan) which has accepted the notion that normally the natural leadership of a party must prevail and which has accordingly advocated the direct primary as a corrective rather than as a source of constant popular initiative. On the other hand, it must be said that from the standpoint of the main body of agitation on behalf of the direct primary, and from the standpoint both of the spirit and of the letter of most direct primary laws, any element of pre-arrangement which tends to reduce to a mere formality the vote of the rank and file of the party members constitutes a fatal compromise. Pre-primary conventions, more perhaps than any other tangible feature in the machinery of nominations, afford an opportunity for such pre-arrangement. The law and the practice regarding them are crucial factors in the operation of the direct primary.

LEGAL PROVISIONS CONCERNING THE PRE-PRIMARY CONVENTION

In Colorado,¹ South Dakota,² and Minnesota,³ the old nominating convention has been combined with the direct primary. The schemes, however, are fundamentally different. In Colorado the purpose of the law has been two-fold: first, the elimination of non-entities from the ballot; and second,

the prevention of the manipulation of a convention to the advantage of any dominant clique. Both purposes are accomplished by placing before the voters all candidates within the party who have sufficient strength to warrant consideration. The convention itself cannot nominate. Instead, one ballot is cast. All those who receive ten per cent or more of the convention vote upon this ballot are placed before the voters at the primary. The contest is transferred from the convention to the polls. The choice is virtually thrust upon the voters.

An altogether different principle underlies the law of South Dakota. There, responsibility of leadership is recognized and the statute has been shaped accordingly. The pre-primary convention whose composition is regulated by law, is directed to select a list of candidates and present it to the voters at the primary. Provision is made for a dissenting proposal on the part of any five members of the convention. Only one such, however, may emanate from the convention, although independent candidates may secure admission to the primary ballot by means of a petition. A special effort is made to render effective the campaigns of any insurgent or independent aspirants for the party nomination through a series of joint debates which are mandatory upon the convention designee.

To an even greater extent is the principle of party responsibility recognized in Minnesota. There, the convention is directed to endorse but one candidate for each office and submit the proposal to the voters at the pri-

¹ Colorado Election Laws 1922, D 1, sec. 4.

² South Dakota Code 1919, sec. 7108.

³ Minnesota Election Laws 1922, sec. 370 A.

mary. Independent nomination may of course be made, but not until after the convention has acted.

Maine,⁴ Nevada,⁵ and Wyoming,⁶ make legal provision for pre-primary conventions. The purpose of such conferences is not the proposal of names for ratification or selection at the primaries, but rather to accomplish those other functions which are thought to be essential to party unity—the formulation of party principles, the selection of party central committees, the nomination of delegates to the national conventions, etc. Twenty-five states⁷ have deemed party conventions necessary for these purposes. Only the three named, however, have specified that they shall be held prior to the primary. Two other states, Maryland and Washington, have placed the matter entirely in the hands of the state central committee; whereas Louisiana, Oregon, and Pennsylvania make no mention of the subject in their election laws, but nevertheless hold pre-primary conferences. The remaining states have created post-primary conventions.

But what has the matter of a pre-primary or a post-primary convention, called for the purpose of formulating and promulgating a party platform, got to do with a pre-primary nominations? Namely this, if the convention is held before the primary, there is a

strong probability that some action—formal or tacit—will be taken with reference to party nominees. The state laws may provide, as the laws of Maine and Nebraska do provide, that no formal action may be taken, but needless to say no method has been devised of preventing the formulation of a party slate by tacit understanding. The convention, called it is true for another purpose, must of necessity facilitate such understandings. The legislatures in a majority⁸ of the states may well have been of this opinion, for in them the excuse of platform formulation has been taken away from the organization leaders by the fact that platform drafting is lodged with a post-primary convention.

THE ACTUAL PRACTICE OF THE PRE-PRIMARY CONVENTION

To what extent the law and the practice of holding pre-primary conventions diverge it is difficult to determine. In the three states wherein it is mandatory upon the parties to hold conventions for nominating purposes, conventions belong to the normal course of events. In Colorado, one of

Missouri Election Laws 1922, sec. 4850.

Montana Election Laws 1921, sec. 639.

Massachusetts Election Laws 1921, ch. 53, sec. 54.

New Jersey Election Laws 1922, sec. 49.

North Dakota Election Laws 1921, sec. 890.

Ohio Election Laws 1920, sec. 4991-1.

Nevada Election Laws 1922, sec. 24.

New Hampshire Election Laws 1920, sec. 20.

South Dakota Election Laws 1919, sec. 7108.

Vermont Election Laws 1920, sec. 131.

Washington Election Laws 1921, sec. 59.

West Virginia Primary Election Laws 1922, sec. 3.

Wisconsin Primary Election Laws 1921, sec. 5.20.

Wyoming Primary Election Laws 1922, sec. 2521.

⁸ Ariz., Cal., Col., Ill., Ind., Iowa, Kan., Mass., Mich., Mo., Mont., N. H., N. J., N. D., Ohio, Vt., West Va., Wis.

⁴ Maine Primary Election Laws 1920, sec. 2.

⁵ Nevada Primary Election Laws 1922, sec. 24.

⁶ Wyoming Primary Election Laws 1922, sec. 2521.

⁷ Arizona Election Laws 1921, sec. 639.

California Election Laws 1922, ch. 3, sec. 24.

Colorado Election Laws 1922, D 1, sec. 4.

Indiana Election Laws 1922, sec. 427.

Illinois Election Laws 1921, Art. 25, sec. 10 c.

Iowa Election Laws 1922, sec. 1087-a27.

Kansas General Statutes 1915, sec. 4190.

Maine Primary Election Laws 1920, sec. 2.

Maryland Election Laws 1922, secs. 41, 188.

Minnesota Election Laws 1922, sec. 370 A.

Michigan Election Laws 1919, sec. 3550.

the states having a mandatory law, the convention has succeeded in eliminating from the ticket all but the strong candidates, for despite the provision that all those who receive ten per cent or more shall be put upon the ballot, most of those who find the convention overwhelmingly against them drop out of the contest. Yet the fact that the convention cannot declare anyone nominated largely eliminates the opportunity for machine control. It has often occurred that the person obtaining the largest vote in the convention has been voted down at the primaries, and a seemingly weaker man been chosen nominee. The present governor of the state is an example of this. William C. Sweet was third in the Democratic convention, but first in the Democratic primary.

The systems in operation in both South Dakota and Minnesota are especially interesting and have been treated with some detail elsewhere in this volume.

No formal action is taken in any of the states in which it is mandatory to hold a pre-primary convention for the formulation of the party platform. The extent to which informal dickers take place it is impossible to tell.

Both major parties in Washington, where the power of calling conventions at any time is definitely lodged with the state committees, hold pre-primary conventions. The work of their convention, according to the publicity department of the Republican Party, has been confined to platform making, and the selection of presidential electors and delegates to national nominating conventions. Without doubt tacit understandings are arrived at here, just as in the Democratic Party in the state, which, according to party officials, holds conventions that are both frequent and effective. In Louisiana, where the law

does not mention the subject, conventions are sometimes held, although not as a regular practice. One was held in 1911 and one in 1919, but no formal action was taken during the intervening years. In each case the work of the convention proved effective. It is interesting to note the attempt of the Democrats this year to institute the practice in Pennsylvania where the law likewise makes no mention of the subject. The recommendation of the organization was followed by the voters in the case of the governor, but not in the case of the lieutenant-governor.

Despite the provision in the laws of eighteen of the states for post-primary convention, pre-primary nominating conventions are held in at least ten. In Iowa, North Dakota, Vermont and Wisconsin, it is the regular practice to hold such conventions in one or another of the major parties, and probably in both. In the remaining states, Arizona, California, Illinois, Michigan, New Jersey and New Hampshire, such conferences are held at least occasionally. The four states aforementioned maintain their practice of holding preliminary conventions for the endorsement of candidates, "so that" (in the words of one of the state chairmen) "the vote may not be fatally scattered or divided." In Iowa and Vermont, according to the statement of party officials, the action of the convention is equivalent to nomination. Wisconsin could be included in the same category except that upon certain issues it has been the practice to pass the decision on to the party membership. This was done in 1922 when the Democratic conference endorsed two candidates for governor, Bentley, a "wet," and Malthie, a "dry." The contest was decided on primary day. In North Dakota the situation has been somewhat anoma-

lous. In 1920 all designees suggested by the regular Republican organization through its pre-primary convention were defeated in the primaries by the Non-Partisan League slate, itself the result of pre-arrangement by conference.

In the remaining states, according to information furnished by party officials, such conventions are but occasional, and informal. The convention in New Hampshire consists in an "informal gathering of recognized leaders." Just how effective is its action cannot be said. In New Jersey it seems to be the practice very generally to hold an informal gathering. The head of one of the party organizations says, "I, as State Chairman, select forty or fifty prominent party people of the state, men and women, for a two- or three-day conference, and we frame up a platform to be handed to the Convention." Whether anything else is "framed up" is not stated. In Illinois it is said, "Pre-primary conferences are frequently held by numbers of party men. They assemble, discuss and agree upon whom they will support in the coming primary. Sometimes the state committee of the party has openly or secretly committed itself to the support of a slate of candidates." How automatic is the action of the voters is not volunteered. Somewhat similar are the pre-primary conferences in both Louisiana and California.

Nineteen twenty-two saw the inauguration of the system in both Michigan and Arizona. The Democratic State Chairman in Michigan says:

The primary system has utterly destroyed party responsibility and party solidarity for the Republican Party in this state. It bade fair to do the same thing to the Democratic Party. Realizing this and realizing that there was a chance for a Democratic success in Michigan in 1922, I called a pre-primary convention in Grand

Rapids for the selection of primary candidates for state offices, several months before the primary. While this was called a convention, it was nothing more than a statewide conference. A general invitation to Democrats and Progressive voters was issued through the press and was supplemented by mailed notices to Democratic county organizations and prominent Democrats throughout the state. The conference was largely attended. It resulted in the selection and endorsement of Woodbridge N. Ferris for senator. He was nominated for the primary and as you probably know was later elected senator against his Republican opponent.

There was a split in the conference in regard to the available man for governor, which resulted in the selection of two candidates, giving us a contest in the primary. Fortunately the state organization was able to keep this primary contest on a friendly basis so that it did not result in a party split. The pre-primary convention adopted a set of resolutions which was, in effect, the platform for the candidates. The candidates agreed to the resolutions. Substantially this set of resolutions became the party platform at the legal party convention held after the primary.

The Democratic Party organization is in no way committed to the policy of holding a pre-primary convention. The one above referred to was the first and only one held. Heretofore conferences of from a half dozen to twenty or thirty leaders in the party have been held to select candidates for state offices. Personally I believe the general convention or conference is much the better plan. That is why it was adopted in 1922.⁹

In Arizona a similar situation existed. The Democratic Chairman describes it:

I might say that I organized the first pre-primary convention ever held in this state and have given matters of this kind a lot of study. It was held primarily for the purpose of keeping the party together, as we have had since statehood two very distinct factions in the Democratic Party.

⁹ Letter from the Democratic State Chairman.

At the pre-primary "conference" which we called, we apparently had the two factions united, and endorsed candidates by regular roll-call ballot for all state offices. All candidates endorsed, with the exception of governor and State Superintendent of Schools, were elected without opposition in the primaries. The governor who was elected (Geo. W. P. Hunt) made his campaign as against the "conference," making that his issue, bitterly denouncing it as held by a "click." This conference was held as an unofficial act, simply as a recommendation.¹⁰

THE PRACTICE IN NEW YORK

Although New York at the present moment does not have a state-wide direct primary, nevertheless in her past history lessons of general application can be read.

The law of 1913 had invited the convocation of pre-primary conventions by its failure to require the drafting of the platforms at conferences held after the primaries; instead, it expressly stated:

Nothing contained in this chapter shall prevent a party from holding party conventions, to be constituted in such manner and to have such powers in relation to formulating party platforms and policies and the transaction of business relating to party affairs, as the rules and regulations of the party may provide, not inconsistent with the provisions of this chapter. Delegates to any such conventions . . . shall not be chosen at official primaries or otherwise at public expense.¹¹

It was the practice of both parties to hold conventions about a month in advance of the primaries, to which as a rule delegates were formally elected by the assembly district organizations under conditions which allowed participation at least by the members of the political clubs within the party. The single exception was in the case of the

Republican State Conference of 1916, which was held after the primaries and which was constituted mainly of candidates and committeemen.¹²

But, although it was the usual practice to hold pre-primary conventions, it was by no means usual to endorse designees by formal action. For the most part the understandings were tacit. The conventions were important as arenas of negotiation, and the work that they did in the choice of candidates might have been accomplished by the party leaders under any circumstances, although the physical assemblage of local chairmen on the broad verandas and in race-track grandstands at Saratoga no doubt greatly facilitated the task of consolidating the sentiment of party workers in support of a composite primary ticket. At first there was a disposition to keep the question of nominees off the floor of the convention. Thus Mr. Whitman, who was described in 1914 as having the tacit endorsement of the assembled leaders, said of the convention:

I believe it would be against the best interests of the Republican Party if the

¹² This conference was held Sept. 28, 1916, the primaries (in which Governor Whitman was re-nominated after much dissension but without serious opposition and in which Mr. Calder and Mr. Bacon were engaged in a very close race for the senatorial nomination) having taken place on Sept. 19. As decided upon by the State Executive Committee, the personnel comprised Senator Wadsworth, the 150 members of the State Committee, the 43 congressional candidates, the 51 state senatorial candidates, the 150 assembly nominees, the county chairmen, and 1 delegate from each assembly district, chosen by the members of the county committees. *N. Y. Times*, Sept. 14, 1916, p. 4. Comment at the time said: "When the platform finally was adopted, less than 10 delegates were in the hall, and Senator Ogden L. Mills, chairman of the resolutions committee, who read the 2,500 word document, had an audience mostly of empty seats. The great majority of the delegates were at dinner." *Ibid.*, Sept. 29, 1916, p. 4.

¹⁰ Letter from the Democratic State Chairman.

¹¹ Laws 1913, ch. 820, sec. 45.

convention should go on record as favoring any candidate for a nomination for public office in the coming primaries. This has been my attitude from the first. Such endorsement would involve an evasion of the Direct Primary Act. It would undoubtedly be used in the campaign against the candidate receiving it.¹³

The Democratic Party was the first to take the question of a slate before the convention as a whole; the Republican Party eventually went furthest. In 1916, 1918 and again in 1920, the Democratic Party used the scheme of an informal roll-call, whereby the spokesmen of the several county delegations expressed the presumed sentiment of their localities regarding a candidate for the governorship and, on a second calling of the roll, regarding possible candidates for the minor elective state offices.¹⁴ This practice continued, although not without protest; in 1920 it was sustained by a vote of 434 to 16.¹⁵

¹³ *N. Y. Times*, Aug. 17, 1914. Mr. Whitman was the successful designee for the governorship in 1914, 1916 and 1918. In the latter year his supporters were reported to have regular campaign headquarters at the scene of the unofficial convention. A press comment just before the meeting of the 1914 convention read: "Mr. Whitman's friends and supporters have been busy all afternoon and evening in the absorbing task of slate-making. As a result, common report has it that there is in existence now what is known as the 'Whitman Combination Slate,' as follows. . . ." *Ibid.*, Aug. 18, 1916, p. 6.

¹⁴ It was first used in connection with a reputedly popular, anti-organization nomination, that of Justice Seabury for governorship in 1916, who received the indicated preferences of 49 of 62 county delegations. A press account stated: "The conference came to an end without adopting any address recommending formally a set of candidates to the enrolled Democrats who will vote in the primaries. In line with the expressed preference of the delegates as shown in the roll-calls, it is understood that a complete slate was determined upon at a conference between Tammany Leader Charles F. Murphy and some of the up-state Democratic leaders." *N. Y. Times*, Aug. 12, 1916, pp. 1, 3.

¹⁵ *N. Y. Times*, Aug. 4, 1920, p. 1. The objector was Mr. (then Mayor) Lunn, who be-

In 1920 the Republican Party convention went the whole distance. A full ticket was voted upon and presented to the party voters through a formal resolution.¹⁶

Despite the variation in method, however, the element of pre-arrangement has been present in New York State throughout the history of the state-wide direct primary. It is true that contests within the state tickets have not been wholly lacking: in 1914, out of 9 places, 2 were contested in Republican primary, 9 in the Democratic; in 1916, of 10 places, 3 were contested in the Republican primary, 1 in the Democratic; in 1918, of 7 places, 4 were contested in the Republican primary, 1 in the Democratic; in 1920, of 9 places, 5 were contested in the Republican primary, and again only 1 in the Democratic. Throughout the period, however, no designee for state-wide office understood at the time to have the support of the so-called organization, has been defeated for

came the unsuccessful anti-organization designee for the U. S. senatorial nomination in the following primaries, in which he furnished the only contest on the state-wide ticket. Just before the 1920 Democratic convention, Mr. Charles F. Murphy was interviewed with the following result: "'We did not designate two years ago,' he said, after brief silence. 'But you recommended a ticket, headed by Smith.' 'No, we didn't,' said Mr. Murphy. 'What did you do?' was asked. 'The convention just called the roll of counties to find out whom and what the people wanted—that was all,' said the Tammany leader." *N. Y. Times*, Aug. 1, 1920, p. 4.

¹⁶ The resolution read: "Whereas, This convention, representing Republican Party of the State of New York, while recognizing the right of any citizen to enter the primaries to be held on Sept. 14, believes that the enrolled voters of the party will welcome and approve the advice of this convention as to candidates for State offices and United States senator; Therefore, be it resolved, that this convention proceed to recommend to the enrolled voters of the Republican Party of the State of New York a candidate for each of the following offices. . . ." *N. Y. Times*, July 29, 1920, p. 2.

nomination.¹⁷ This does not prove, of course, that the possibilities inherent in the direct primary did not profoundly influence the decisions arrived at in process of pre-arrangement. On the other hand, although the New York law as it stood between 1914 and 1920 must be charged with having invited pre-primary conventions under conditions that made some pre-arrangement well-nigh inevitable, the foregoing account does not show that, under the deep-seated political conditions of the state, the fore-stalling of the primary would not have been accomplished nearly as completely without conventions.

ATTITUDE OF PARTY MANAGERS

Although the attitude of party managers is not unanimously in favor of the establishment of pre-primary conventions by law, it is overwhelmingly so. They seem to feel that such conferences are essential to the maintenance of the solidarity and responsibility of the party. As Lawrence Y. Sherman, Republican State Chairman of Illinois expresses it:

Party solidarity and responsibility are practically destroyed in this state. The processes of disintegration are detrimental to good government reflected in the election of partisan officers. It is recognized that a long measure of party responsibility is the means of fairly good government. If the responsibility is absent or broken down, it is my observation that the kind of candidates nominated or elected correspondingly are of a lower level. It leads to the absence of first-class men on the ticket. The pre-primary convention is one way of restoring party responsibility.

To those who adhere to the Hughes

plan this will seem but a rational demand; to those who look upon the direct primary as the means of destroying all advantage that the leaders enjoy by virtue of their positions, it will seem an attempt of the dominant clique to restore itself to power.

CONCLUSIONS

At any rate, it can be said that the direct primary in its present form has made party leadership more responsible than it ever was before. Even in those states in which a pre-primary nominating convention has been established by law, the action of the convention is not the final authority, and in the court of final appeal that action has been frequently reversed. Formal action endorsing any particular slate is not taken in any of the states which hold a pre-primary convention for the purpose of formulating party principles. If tacit understandings are arrived at and doubtless they are, ratification by the voters is not automatic. In two of the states which place the convocation of conventions in the hands of party committees, the party managers seem to rule with their old-time effectiveness. Of only three other states can this be said. In eight of the eleven states which have held both pre- and post-primary conventions the action of the pre-primary conference is unusual. It can hardly be said on the basis of these five states that the direct primary has failed to accomplish at least the hopes of those who thought of it as an instrument with which to make party leadership more responsive to popular demand. If this survey indicates anything, it indicates that the direct primary, although eliminating neither "bossism" nor "invisible government," has at any rate made party leadership more largely subject to popular control.

¹⁷ H. Feldman, "The Direct Primary in New York State," *American Political Science Review*, Aug. 1917, vol. XI, no. 3, pp. 494-518. For later figures, see the informing article by R. S. Boots, "New York's Imperfect Primary," in *N. Y. Evening Post*, March 2, 1921.

NOTE.—It should be stated that the chief basis for the information contained in this article was a questionnaire sent out to the various state chairmen. No attempt has been made,

except in the case of New York, to go behind their replies. A study of election contests might lead to deductions that would modify somewhat the conclusions as here presented.

Proportional Representation in the United States

Its Spread, Principles of Operation, Relation to Direct Primaries, and General Results

By C. G. HOAG

Secretary, Proportional Representation League

THOUGH cumulative voting and the limited vote, both of which assure some representation to the leading minority party, were introduced for certain public elections, notably in Illinois and Pennsylvania some two generations ago, it was not until 1915 that a thorough-going system of proportional representation was adopted for a public election in the United States. In August of that year Ashtabula, Ohio, adopted the "single transferable vote" or "Hare system" of proportional representation—"P. R." as it is called for short—at the polls, as an amendment to its new city manager charter which had been adopted on November 3, 1914. The vote for the amendment was 588 to 400. The system was applied to the election of seven councilmen at large.

CITIES

Boulder, Colorado, adopted proportional representation for its council on October 30, 1917. The Boulder council has nine members. Three are elected at large every two years for a term of six years. The election of so small a number together did not have the approval of the Proportional Representation League: the leaders of that organization would have preferred the election of all nine together.

P. R. was adopted by Kalamazoo, Michigan, on February 4, 1918, by a vote of 2,403 to 659, for the election at large of its commission of seven

members. After the new system had been used in two elections it was thrown out by a decision of the Supreme Court of Michigan, rendered September 30, 1920. The court held that the Hare system violated the clause of the state constitution which declares that "in all elections every . . . [Here qualified voters are defined] shall be an elector and entitled to vote. . . ."

Proportional representation was adopted on February 11, 1921, for the council of West Hartford, Connecticut, by vote of that body itself under authority given it by special act of the legislature. West Hartford is a fine residential suburb of Hartford. The system is applied to the election of fifteen councilmen from four districts, the number elected from the districts being five, one, four, and five. As applied in the Second District, where only one member is elected, the system works out as a preferential majority system. The splitting up of the town thus into districts was not in accordance with the recommendations of the Proportional Representation League, which would have preferred election at large. The first adoption of the system was for one election only. After the first election, however, the council voted—on February 6, 1922—to continue its use.

Sacramento, California, adopted the proportional system for its council of nine November 30, 1920. The vote was 7,962 to 1,587. The members are

elected all together at large. The first election was held on May 3, 1921. Soon afterwards action was taken by Mr. James H. Devine, one of the defeated candidates, to have the courts declare the system contrary to the constitution of California. The lower court sustained the system. On October 23, 1922, however, the Appellate Court, to which Mr. Devine appealed, handed down a decision declaring the system unconstitutional. On December 22 the Supreme Court of the state denied the petition for the transfer of the case to its jurisdiction. The members of the council will be allowed to finish out their terms, which end in December, 1923.

The most striking advance of proportional representation in this country since the first election under the system in Ashtabula in 1915, was its adoption by Cleveland on November 8, 1921, in connection with the city manager plan. The vote was 77,888 to 58,204. In Cleveland, the system is to be applied to the election of a council of twenty-five from four districts: from the West Side, 7; from the Central District, 6; from the South Side, 5; and from the East Side, 7. The new election system is part of a very comprehensive amendment to the Cleveland home rule charter, which is to all intents and purposes an entirely new charter. The new plan of government goes into operation January 1, 1924, the first election being held on November 6, 1923.

USED WITH CITY MANAGER PLAN

It is significant that all these cities which have decided to use the proportional system have adopted it in connection with the manager plan of government. In my opinion, for reasons set forth in the latter part of this article, this is in accordance with sound political theory.

THE SINGLE TRANSFERABLE VOTE

It is important also to note that the system of proportional representation adopted by all these American cities is the "single transferable vote" or "Hare system." Strangely enough, too, no other system than this single transferable vote has been adopted for public elections in any other English-speaking country, though rival systems, especially the party list system, have spread with great rapidity in recent years over continental Europe and some other parts of the world.

The chief difference, so far as political effects are concerned, between the single transferable vote and the list system is that the former gives the voter far more freedom than the latter to make his will effective even when he consults only his own real preferences without being restricted by party lines and without regard to any candidate's supposed strength or weakness. It is this greater freedom of the voter under the single transferable vote that makes the system effective not only in giving the right number of seats in the representative body to each section of public opinion but also in freeing the voter from thralldom to political "machines."

The main principles of the single transferable vote are easily explained. The members of the representative body are elected either all together at large, as in the case of the council of a small or medium-sized city, or in districts each of which is large enough to elect several. No matter how many members are being elected in a voter's district, he has but one vote. If a sufficient number of votes—a quota, as it is called—support a candidate, he is elected. If seven are being elected together, the perfect quota would be, of course, one seventh of all who have voted. For practical reasons,

however, a slightly smaller number, namely, barely more than one eighth of all who have voted, is used as the quota. The voter expresses his vote by putting the figure 1 opposite the name of his favorite candidate. He is, however, allowed and encouraged also to express his second and lower choices by the figures 2, 3, etc.—as many or as few such lower choices as he pleases. At the voting precincts only the first choices are counted. The ballots of the entire multi-member district are brought together from the precincts to a central counting place. The count is then completed in accordance with definite rules which work out in causing each ballot to help, if possible, in the election of one candidate—in every case the candidate marked as most desired by the voter among those candidates who could possibly be helped to election by it. Thus each member of the body is elected by a quota of voters who are united, considering the actual alignments revealed by the ballots, in the desire to elect the candidate whom in fact they do elect.

As a quota of votes is required for the election of each member—I disregard certain exceptions—no party or group can elect more members than it polls quotas of votes. And, on the other hand, any group of voters which polls a quota of votes or more is sure to elect the member or members it deserves.

ILLUSTRATION OF POLITICAL EFFECTS

The political effects of the transferability of the vote, which are quite distinct from the proportional effects mentioned in the preceding paragraph, may be illustrated by a single example. Suppose seven councilmen were being elected together, and suppose each voter had only one vote and it was *not* transferable. In that case a po-

litical party which expected to poll three-sevenths of the total vote (or at least more than three-eighths, which is the same thing in effect), would nominate only three candidates and would read out of the party any of its members who nominated rivals to those three. For to nominate rivals to the three in that case would be to “split the party vote” and expose the party to possible disaster. In the election, therefore, the voters would have to take their choices among the “regular” candidates of the several parties.

Now suppose all the conditions to be the same except that the voter is allowed to indicate on his ballot as many choices as he pleases, and that those who count the ballots are to make effective the highest of his choices that can be made effective. In this case independent members of the party whose managers nominated three candidates (having in the transferable ballot the means of conducting at the election itself a competition within the party for the three places which the party may expect to win), will feel quite free to nominate rivals to the “machine” candidates of the party. Thus the transferable vote means real competition within each party, without any reduction of the party’s strength as a whole. It therefore changes the whole face of politics, requiring of political managers not the mere capturing of places on party slates, but genuine leadership.

RELATION BETWEEN PROPORTIONAL REPRESENTATION AND DIRECT PRIMARY

The relation between proportional representation *with the single transferable vote* and the direct primary will now be clear. The direct primary came into existence only because our old system of balloting, permitting the voter as it did to express only one

choice for each office, afforded no opportunity at the final election for free competition within a party for the offices which the party's total vote might enable it to win. A party which in the final election ran more candidates than it could elect, that is, more than were to be elected, courted disaster, for splitting the party vote meant throwing votes away. The resulting necessity of restricting nominations meant, in turn, the virtual control of politics by those who controlled the nominations of the two great parties. The ordinary independent citizen had, it is true, the legal right to vote; but of what practical value was this right if he had nobody to vote for, with any likelihood of electing them, except machine-picked Republicans and machine-picked Democrats? Helpless as they were under such conditions, the voters demanded—what naturally seemed to them the only means of relief—a system of nominating candidates by direct and legally regulated primary elections.

The failure of the direct primary system to give the voters all the relief they sought was not, of course, surprising to those who had studied the effects of the old single-shot vote as compared with those of the transferable vote. Suppose you were sending some distance for fruit and did not know what kinds might be available in the market: if you were restricted to naming a single kind of fruit, your messenger would very likely return empty-handed. In sending for fruit, however, you are not in fact restricted thus: there is nothing to prevent your naming several kinds in the order of your preference, with directions to the messenger that only one—your highest choice among the kinds available—is to be brought. But in voting, under the old single-shot system, though there may be several candidates

for a single office, you are restricted to the expression of only one choice. Do away with that restriction and the primary election becomes superfluous. Keep that restriction, and even the troublesome and expensive primary is inadequate to give the voter real freedom. For, after all, the primary does nothing more than carry the same old difficulty one step further back: offering the voters at the primary itself only the same old single-shot ballot, it often presents to him only the same old dilemma between voting for a candidate he really wants and voting for the less objectionable of the two who have some chance of winning. The direct primary system, though naturally advocated as the best remedy for machine domination by leaders of public opinion not familiar with the transferable vote, and though actually helpful in many notable cases in giving the people control of public affairs, was not and is not the true remedy. The true remedy is the transferable vote.

APPLICATION OF TRANSFERABLE VOTE

But how, if the transferable vote was to be used, is it to be applied? It would be possible, of course, to apply it not only to the policy-determining body, as is done in the American cities which have adopted it, but also separately, as a majority system, to every other office now filled at the polls. And that would be preferable, certainly, to the two single-shot elections—the final one and the primary—which we now have. But it would not give the voters complete relief. Even with the transferable vote in their hands, the rank and file of our voters are not in a position to choose wisely among a multitude of candidates for administrative as well as deliberative positions. The one thing they are in a position to do, if provided with the

right sort of ballot, is to choose spokesmen to represent them, in a council or a legislature, in the determination of general policies and the selection and replacement of chief administrators. In the rest of the government they can have their way most surely by holding their spokesmen responsible for making the right decisions. It was therefore quite right, in my opinion, when some of our cities became ready to adopt the transferable vote, for them not to apply it as a majority system to administrative offices but to apply it as a quota or proportional system to the council only, holding that body responsible for all the rest of the government. To have elected a truly representative council and then to have elected other city officials more or less independent of that body would have been only to divide the responsibility and confuse the issues.

SUCCESS OF PLAN

As the number of our cities which have been actually governed under this plan is now five and as several of them have been under the plan from two to six years, it is interesting to inquire how they have gotten along. On this point I cannot claim to be a dispassionate observer. But there seems to be enough evidence, of a wholly unprejudiced character, to warrant us in saying that everywhere the plan has been successful and that in some of the cities its benefits have been very marked. After the first election in Ashtabula, it is true, the new voting system was blamed by some for the bad deadlock of the council in choosing the first city manager, for its final choice of one of its own members, and for the shooting of a man in a barroom fight later by one of the councilmen. But none of these unfortunate occurrences was directly connected with

the method of voting, and the subsequent experience of Ashtabula seems to indicate that that method is generally approved by leading citizens of all elements. This experience, considered from two very different points of view, is covered by the following statements made after the third P. R. election by Mr. P. C. Remick, former President of the Ashtabula Chamber of Commerce, and by Mr. Charles G. Nelson, former President of the Ashtabula Central Labor Union. Mr. Remick: "After watching the results of our three elections under the Hare system, I am pleased with the results. In each case the best of the candidates have been elected." Mr. Nelson: "I believe it is the fairest method of election ever used." The success of the system in Ashtabula is confirmed strongly also by the city's rejection at the polls in 1920 of a proposal to do away with it, and by its adoption in 1921, in the light of Ashtabula's experience, by the neighboring city of Cleveland.

In Sacramento nearly all elements expressed themselves favorably after the first election in 1921. The *Star* (May 5th): "On every hand satisfaction is being expressed in no uncertain terms." The *Union* (May 5th): "The results obtained May 3rd indicate that gangsters, politicians, and advocates of mass voting are completely staggered." The government of Sacramento under the new charter has been, it is reported, highly efficient and successful; and according to a statement made after the close of the first calendar year by Mr. Irvin Engler, Assistant Secretary of the Sacramento Chamber of Commerce, "Working in harmony, thoroughly representative, and giving the manager support in progressive movements, the council has had a conspicuous part in the results attained." On December 23, the day after the

Supreme Court's refusal to re-hear the case on the constitutionality of P. R., the *Sacramento Star* said editorially: "Men who were skeptical about the plan when it was adopted were enthusiastic over its merits after they saw it in operation. . . . Sacramento will again in time have proportional representation voting, as will every other governmental group in the United States."

Of the working of P. R. in the other American cities which have tried it, only favorable reports have come to

my notice. On account of its effects where it has been tried and the need that is felt in some cities, governed under the manager plan, which lack it, the National Municipal League now recommends it for all cities governed under that plan. It was to the need of P. R. in such cities, indeed, that the President of the National Municipal League, Colonel Henry M. Waite, the distinguished first city manager of Dayton, devoted his annual address as president of that body last November.

Prevention of Minority Nominations for State Offices in the Direct Primary

By BENJ. H. WILLIAMS, PH.D.
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THE typical state-wide direct primary law in this country provides for plurality nominations. Under such a law the candidate who receives the highest number of votes, whether this number is a majority or not, secures the nomination. The operation of the primary law so far has shown that this plurality is an actual majority in by far the greater number of cases. But there is always the possibility that in a divided field a candidate who represents the views of a minority of the voters may be successful. An example of this may be taken from the primary elections of 1922. In a congressional district in a western state the congressman seeking renomination was confronted with strong opposition because he had voted against the soldier's bonus in the House of Representatives a short time before the primary election. His opponents could not, however, confine their opposition to one candidate. Two ex-soldiers and pro-bonus men entered the lists. The results were as follows:

Incumbent.....	15,515
Ex-soldier No. 1.....	14,346
Ex-soldier No. 2.....	10,416

Had only one ex-soldier opposed the congressman in that district, the bonus advocates would have been victorious without question. This possibility that where a plurality is sufficient to nominate, the final result may be directly opposite to that desired by the majority of the voters, has caused some concern among friends of the law, and several devices have been introduced in the attempt to obviate this feature.

These methods are of three general

types, which may be described as the second primary, the preferential vote and the resort to a convention where no candidate in the primary has received a majority or a certain high percentage of the vote.

THE SECOND PRIMARY

The second primary election resembles the system which was generally used some years ago in European countries, where, with the multiplicity of parties, it was found wise to guard against minority control by holding a second election, in case no candidate received a majority. In this country the second election has been adopted in the primary laws of several southern states. In those states the domination of the Democratic Party has made nomination equivalent to election, and it has been considered vital that no organized minority should gain control of that Party. This type of law provides that where no candidate receives a majority of votes, a second primary shall be held in which the names of the two highest shall be placed on the ballot. The winner of the second primary election becomes the party candidate. Provision is usually made that when one of the two highest candidates in the first primary does not desire to continue his candidacy, the other shall be declared to be the nominee. The second primary is found in Mississippi, North Carolina, South Carolina, Texas and Louisiana. In the case of the latter state the second election system was in force for several years and was abolished for a system of preferential vote.

This was in turn abolished and the state came back in 1921 to the second election method with the provision, however, that the second primary is to be held only in case no candidate for the office of governor receives a majority in the first primary. In Tennessee it is provided that in case no candidate receives a majority in the first primary, a second one may be held if the committee or other governing authority of the party shall see fit.

The advantage of this method lies in the opportunity it gives for a clear-cut contest between the two leading factions in the party, a contest which can be devoted to state issues. It presents a simple task to the voter. The results, so far as the avoiding of minority nominations is concerned, are quite satisfactory. But the holding of an additional primary is open to obvious objections. The nomination and election system is already costly, both to the candidates and to the state. The large expenses incurred in a few recent primaries have been brought dramatically before the public, and have shown that men of wealth possess a distinct advantage in seeking nominations at the hands of the voters. The drain on the state treasury is a much-used argument in the movement for the repeal of the primary. The burden upon the public of time and effort spent during the campaign has also been great. It is not likely that in this era of retrenchment, a system which necessitates three public campaigns and three trips to the polls by busy voters to select one set of officers, will find much favor. It will probably not spread beyond the southern states where it is believed to be a necessity.

A modification of the second election system exists in the state of Georgia, where it is combined with the county unit system of voting. The candidate for the nomination who receives the

highest number of votes in any county, is entitled to the entire vote of that county, on the basis of two votes for every representative to which the county is entitled in the lower house of the General Assembly. In nominations for governor and United States senator, a candidate must receive an absolute majority of county unit votes to be successful. If no candidate receives a majority, a second election on the county unit basis is held between the highest two. As may be seen, it is quite possible for a minority candidate to be successful under such a system, just as it is possible for a presidential candidate to receive a majority vote of the presidential electors without receiving a majority of the popular vote. This is, however, extremely unlikely, and under the Georgia law there has been only one case in which the successful candidate has not received a majority of the popular vote, and in that case he had received more popular votes than any other candidate.

THE PREFERENTIAL VOTE

The second device for preventing minority nominations is the preferential vote. By this method, where there are three or more candidates for one nomination, the voter is given an opportunity to express his first and second choices. Should no candidate receive a majority of first choices, all but the two highest candidates are eliminated, and the second choices expressed for these two are added to their first choices. The one with the greater number of first and second choices combined receives the nomination. This method is provided for in Alabama and Florida with one difference. In Alabama, in the optional primary law the second choices are counted from all of the ballots, while in Florida, the second choices on the ballots of the eliminated candidates only are counted.

The chief advantage of the preferential system over the second election plan is in the saving of expense and campaign effort. Viewed from a theoretical standpoint, this method has an unquestionably strong appeal. A number of close students of the subject have seen in it a satisfactory solution to the problem of minority nominations. But when put to the test of actual experience it has been found to be unworkable. The American voter has not been willing to make the effort necessary to use this more complicated method of expressing his choice, and confusion has resulted. In some cases the voter, when confronted by the two choice ballot, has marked his first choice for two candidates and in others his first and second choice for the same candidate. In the great majority of cases, however, he has not taken the trouble to register his second choice. Out of 664,559 opportunities to express a second choice in the Indiana primaries of 1916, the voter took advantage of this privilege in only 155,123 instances, or 23 per cent of the whole number. Although there were thirty-five contests in which second choices could have been expressed, and of these there were twenty-four instances in which no candidate received a majority, yet the distribution of second-choice votes did not affect the result in a single case.¹ When the voters are indifferent in marking their second choices, minority nominations are by no means prevented. Under the brief Louisiana experience with this form, it was found that in every case where there was not a majority of first choices for one candidate, the system resulted in nomination by minorities. The list of states which have tried it and found it lacking is impressive. Idaho, Indi-

ana, North Dakota, Louisiana, Washington and Wisconsin have all used this method and thrown it into the discard. It can hardly be recommended as a satisfactory solution to the problem.

A modification of the preferential vote with the county unit and convention system is found in Maryland. Here the voters in each county express their first and second choices for party nominees for state offices. At the same time they elect delegates to the state convention. These delegates are instructed to support in the convention the first choice, and, failing in that, the second choice of the voters of the county for each state office. These first and second choices of the county voters are determined by a complicated system of transferring ballots, somewhat akin to the Hare system of proportional representation. The method is too elaborate to describe here. It is sufficient to say that it guards against the domination of a minority in each county; but for the same reason as expressed in the Georgia case, it does not prevent the nomination of candidates who represent only minorities in the state at large. On the contrary, the system gives the city of Baltimore such inadequate representation in the convention that it directly encourages minority nomination. It was evidently intended to give the other counties of the state a method of offsetting the popular majorities that might be rolled up in Baltimore.

RESORT TO THE CONVENTION

The third system of throwing the nomination into a convention if no candidate receives a majority in the primaries, likewise does not prevent the success of candidates who may represent only a minority of voters. An examination of several instances in which candidates have been both before the primary and before the convention,

¹ "The Direct Primary in Indiana" by Charles Kettleborough, *National Municipal Review*, Vol. 10, p. 166.

shows that a convention is likely to select a candidate who represents only a minority of the popular votes of the party, and sometimes a very small minority at that. In Indiana, the law provides that in nominations for governor and United States senator, the convention shall make the selection where no candidate receives a majority in the primary election.

In Iowa, unless some one candidate receives 35 per cent of the total vote cast for candidates for that particular nomination, the convention is called upon to make the choice. The Iowa experience under this law shows that in by far the greater number of cases the leading candidate has secured an actual majority; and even where he has not obtained a majority he has been generally able to obtain the required 35 per cent. The convention has had but few nominations to make and in only three of those instances has it set aside the plurality candidate for another. These three cases were in the nomination for the less important state offices. It may thus be seen that the Iowa law has had but little effect upon the results in that state.

The 1922 nominations in Iowa showed that under this law a popular candidate, who does not stand in well with the organization and who could not hope to succeed in the convention, may find himself confronted in the primary by a large number of opponents sent into the field to cut into his strength and thereby keep him under the 35 per cent quota. Thus Mr. Brookhart, who was popular with the rank and file of the Republican Party in that state, but who was out of sympathy with the party organization, was opposed by five rivals in the race for the senatorial nomination. Not one of these five had a chance for success. They were put into the race for the purpose of dividing Brookhart's

strength in the farmer, labor, soldier and urban groups in the state, with the hope that he might receive less than 35 per cent of the vote. The result was as follows:

Brookhart.....	133,102
Frances.....	38,691
Pickett.....	51,047
Stanley.....	12,593
Sweet.....	35,406
Thorne.....	52,783
Total.....	323,622

Brookhart's vote amounted to 41 per cent of the total, which was sufficient to nominate. Although he received a plurality which was tremendous in its proportions, his margin of success was not great. Had the provisions of the Indiana law requiring a majority been in effect, the nomination would have been thrown into a convention, where Brookhart's chances of success would have been at least greatly diminished, if indeed he would have had any chance at all.

The Iowa provision has accomplished practically nothing of a beneficial character. Moreover, the last election has shown the possibilities of political manipulation to defeat the popular will. To this extent it is contrary to the spirit of the direct primary. The Indiana law embodies this objectionable feature to even a greater degree.

In North Dakota should no candidate for a party nomination receive as much as 25 per cent of the average total vote cast for the candidate for governor, secretary of state and attorney general of that party at the last general election, the law provides that no nomination shall be made for that office.

AN EXTRA-LEGAL REMEDY:
BI-FACTIONALISM IN STATE PARTIES

A review of the provisions of the primary laws which attempt to obviate minority nominations shows that thus far no type of law, which is likely to be

generally acceptable, has been developed. The second election is costly; the preferential vote is confusing and ineffective; and the choice by a convention as an alternative, is beneficial to the organization as opposed to independent elements and does not prevent minority nominations.

A solution of the problem both convenient and effective may be seen in the extra-legal efforts which are being put forward with increasing results to narrow the field in the primary election to the two principal candidates representing the opposing factions in the party. The American mind has demanded simplicity in politics. It has not tolerated the refinements in political beliefs which have made six or seven important parties possible in European countries. We have developed the bi-party system. There is much evidence to the effect that the numerous factions and candidates which have sometimes appeared under the direct primary will be likewise, and for the same reasons, replaced by a bi-factional system wherever there are any real issues to be fought out in state politics. Where issues are scarce and the contest is merely between office seekers, there will still be numerous candidates. In such a case little harm can be done by a plurality choice. But where some vital question of government is under discussion, the organization of factions into two rival camps seems to be the American solution to the problem of minority control.

Examples of this are plentiful, and two are here chosen from the primaries of 1922 for purposes of illustration. The Pennsylvania campaign for the

Republican nomination for governor opened with many aspirants seeking the honor. The organization forces first began to eliminate the various gubernatorial possibilities until they narrowed the field to one man. This man was then opposed by two strong independent candidates. As the campaign wore on and it became evident that neither of the independents could hope to be successful so long as they were both in the field, one of them withdrew. The primary then became a clear-cut bi-factional contest between independents and organization.

The contest for the Republican nomination for governor in the state of Oregon began with no particular issues, aside from efficiency and economy, which was favored by all six men who were seeking the nomination. As the campaign progressed the Ku Klux Klan issue was forced into the controversy. The result was that the voters deserted the standards of four of the candidates and grouped themselves around either Governor Olcott, who was opposed to the Klan, or Senator Hall, who was favorable to it. Thus, as soon as an issue was brought into the contest, it became a bi-factional fight. It is this tendency of American voters to form into two groups which has caused the plurality election to be retained in the United States, when it has been generally abandoned in continental Europe. Municipal elections may form an exception to this rule. But in state politics it is this same tendency which has made the plurality primary tolerable, and, in fact, preferable to any other method which has thus far been devised.

The California Direct Primary

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THE California direct primary has not escaped the wave of criticism which has risen over the whole country against that method of nominating candidates for public office. Indeed, the California direct primary has been criticized severely ever since the law establishing its use was adopted in 1909. It has pleased neither its friends nor its enemies. Each year's experience has revealed some defect in the system, and the law has had to be amended, or repealed and reënacted in revised form every time the legislature has met. Even now, after a dozen years, the system while approved in the main, does not wholly satisfy the people of the state.

TWO CURRENTS OF CRITICISM

In the last few years two currents of criticism have been apparent. One of these manifests itself in a demand that the direct primary be abolished and the convention system reestablished. This attitude is taken generally by the more conservative interests in the state and is expressed through the columns of some newspapers which have been consistently opposed to direct nominations from the beginning. *The Los Angeles Times* has opposed the California direct primary chiefly on the ground that candidates are nominated by less than a majority of a party; that candidates of a party are nominated by the voters of another party; and that the law occasionally actually defeats the will of the voters of a party.¹ *The San Diego Union* has opposed it on much the same ground.² *The San Francisco*

Chronicle opposes the direct primary on the ground that this method of nomination has not caused an improvement in the character of office-holders.³ The Democratic national committeeman for California is also reported to have strongly urged the restoration of the convention system.⁴ He suggested that nominations for the primaries be made by party conventions instead of by petition. Others have advocated a return to the convention on the ground that the number of voters participating in the direct primary has been so small as to indicate no genuine public interest in the nominating procedure.

The second attitude toward the direct primary is that it should be continued, but made completely non-partisan. This, of course, is not a criticism of the direct primary but of the whole idea of partisan elections. This line of attack on the electoral system is more likely to succeed than the other. In fact there has been a tendency in California in favor of abandoning the party label in state and local elections. Since 1913 all county and other local offices and all school and judicial offices have been on a non-partisan basis.⁵ Efforts made since then to have the rest of the state officers chosen the same way have failed. In 1915 the legislature passed an act which made all offices except United States senator, representative in Congress, presidential elector, and party committeeman non-partisan.⁶

³ *The San Francisco Chronicle*, December 29, 1918.

⁴ *The San Francisco Chronicle*, December 25, 1918.

⁵ California Statutes, 1911, Ch. 398; 1913, Ch. 690.

⁶ California Statutes, 1915, Ch. 135.

¹ *The Los Angeles Times*, September 6, 1918.

² *The San Diego Union*, September 20, 1918.

The measure was submitted to referendum and at a special election held October 26, 1915, was defeated by a vote of 112,681 to 156,967, in a total registration of 1,219,345.⁷ Since then there has been no attempt to make state elections entirely non-partisan. Indeed, so far as the legislature is concerned, all of the proposals have been in the direction of greater partisanship in the primary. It should be pointed out, however, that even the offices filled on a nominally partisan basis are in fact largely non-partisan, because many persons take advantage of the opportunity offered by the primary law to become candidates of more than one party. A majority of the members of the state legislature of 1921 were unopposed for election, having been nominated by two and often three or more parties for the same office. The same thing is true of members elected in November, 1922. Nine out of the eleven members of the California delegation in the newly elected 68th Congress, were candidates of both Democratic and Republican Parties. Some of the undesirable results from trying to "use a partisan primary non-partisanly,"⁸ will be touched upon later. The situation is noted here because it shows why there has been no emphatic demand for non-partisan elections, and at the same time indicates how easy it would be to make the whole state government non-partisan if it were undertaken with determination.

ADVANTAGES OF DIRECT PRIMARY

It would hardly do to assert that these two attitudes divide all of the citizens of California. The general run of voters take the direct primary as a fixed institution. It is quite gener-

ally conceded that in spite of criticism a law to abolish the direct primary and substitute the convention system if submitted to popular vote would be defeated overwhelmingly. Moreover, certain features of the California primary are evidently satisfactory. For example, the time of holding the primary—the last Tuesday in August, *i.e.*, about two months before the election—seems to be a convenient time. The form of ballot is unobjectionable, and the provisions for counting the ballots, canvassing the returns, and certifying the results, and for recounts and contests are apparently adequate. The fee which is paid by a candidate when his nomination papers are filed is not exorbitant. It is \$25 for candidates for representative in Congress and for offices voted for in districts comprising more than one county (except member of state senate or assembly); \$50 for candidates for state offices and for United States senator, and for all other offices it is \$10.⁹

SOME TECHNICAL DEFECTS AND DIFFICULTIES

Nomination in the partisan primaries is by plurality vote and some reactionaries profess to find in the resulting "minority nominees" a fatal defect in the primary system. However, it is not usual for the nomination to go to a minority candidate. In the infrequent instances where it does the result is accepted without much criticism, not because it is just, but because it is more satisfactory than holding a second primary, or adopting preferential voting. In the non-partisan primary, the two candidates receiving the greatest number of votes for each office are certified as nominated to run in the subsequent general election, except that if one

⁷ F. Hichborn: *Story of the California Legislature of 1921*, p. 222 (1922).

⁸ *The Fresno Republican*, September 4, 1918.

⁹ J. Deering: Consolidated Supplement, 1917-1919, General Laws of California (1922), Act 1010, Sec. 7, p. 1200.

candidate receives a majority of the votes cast he is the only man certified to appear on the election ballot for the office for which he is contending.¹⁰ It is a rare case when more than two candidates appear in the primaries for a judicial, school, county or township office, and it is quite the usual event that there is only one contestant for such an office.

The procedure for proposing candidates to be voted on in the primary though generally acceptable, is also open to some criticism. The candidate, or somebody in his behalf, at least forty days before the primary election, files a nomination paper which is endorsed by a number of registered voters. The number of signatures required in the nomination paper of any candidate for a state office in any party primary is not less than one-half of one per cent and not more than two per cent of the votes polled in the last preceding election by that party's candidate for governor.¹¹ It has been proposed by some that candidates in the primary should obtain endorsements of their candidacy from voters in all counties of the state. This proposal has been opposed on the ground that it would increase an evil already too pronounced, *i.e.*, the trade in circulating nomination papers. Some enterprising citizens will undertake to secure any number of signatures at a fixed rate of payment per signature. The new proposal would obviously intensify this evil. Yet, in view of the marked evidences of local pride and the pronounced rivalry between different sections of the state, the suggestion is not without merit.

In order to be entitled to have the names of its candidates printed on a

primary ballot, a party must have polled three per cent of the vote in the state in the last general election. If a new party appears it is entitled to this privilege by petition to the Secretary of State of a number of registered voters equal to three per cent of the total vote cast in the last general election.¹² This provision is obviously somewhat disadvantageous to new parties. Securing some 30,000 signatures is indeed a difficult task. However, it is not impossible; and it must be admitted that if a party has not that much strength in the state, it is hardly worth while for it to hold a primary.

DIFFICULTY ARISING FROM QUALIFICATIONS FOR CANDIDACY

Considerable difficulty has been occasioned in the past by the provision in the California primary law relating to qualifications for candidacy. The law enacted in 1909 required that the candidate for a party nomination should make affidavit that he was affiliated with that party at the last preceding general election and at that time had voted for a majority of its candidates, or had not voted at all, and that he intended to vote for the candidates of that party at the ensuing election.¹³ This provision, of course, made it impossible for any except "regular" members of parties to become candidates in the party primaries.¹⁴ In 1911

¹² J. Deering: Consolidated Supplement, 1917-1919, General Laws of California (1922), Act 1010, Sec. 1, p. 1190.

¹³ California Statutes, 1909, Ch. 304, p. 694.

¹⁴ One instance of the practical working of this clause in the law probably had a profound effect on the course of California politics. In 1909 Francis J. Heney, on account of a variety of circumstances, was under the law ineligible to become a candidate in any party primary. By "writing in" his name a majority of Democrats nominated him for District Attorney of San Francisco County. If his name could have been printed on the official ballot it is almost certain that he would have been nominated on the Union

¹⁰ J. Deering: Consolidated Supplement, 1917-1919, General Laws of California (1922), Act 1010, Sec. 23, p. 1213.

¹¹ *Ibid.*, Sec. 5, pp. 1198-1199.

the law was amended so that the past affiliation of the candidate did not disbar him from running in the primary of a party if he declared that he intended to affiliate with that party and vote for a majority of its candidates at the ensuing election.¹⁵

In 1913 the law was again changed. By this change a candidate was not required to say anything at all about his party affiliation and this clause was added: "Nothing in this act contained shall be construed to limit the rights of any person to become the candidate of more than one political party for the same office. . . ." ¹⁶ Even after this change an attempt was made to limit candidacies in any party's primaries to members of that party. In the primary election held August 25, 1914, U. S. Webb, registered as a member of the Progressive Party, received a plurality of the vote cast in both the Republican and Progressive primaries for the office of Attorney General. In spite of the fact that the statute is clear and that there is no doubt of the legislature's power to pass such a statute, it was claimed that "a member of one party, seeking its nomination for an office, cannot at the same time . . . be a candidate for the nomination of another party for the same office." Application for a court order to prohibit the Secretary of State from certifying the nomination of Webb as the Republican candidate for Attorney General was denied. The court declared that if the members of a party

Labor ticket. With these two nominations, the advantage of "straight" voting would have been with Heney instead of against him, and in all probability he would have been elected. The famous San Francisco graft prosecutions would then have been carried through probably to an entirely different conclusion, with entirely different political consequences, of course. See F. Hichborn: *The System*, Ch. xxvii (1915).

¹⁵ California Statutes, 1911, Ch. 398, p. 774.

¹⁶ California Statutes, 1913, Ch. 690, p. 1389.

"seek to select as their candidate one affiliated with another party, or with no party, that is their privilege." ¹⁷

In 1917 the primary law was amended so that a primary candidate who failed to secure the nomination of the party with which he was affiliated as shown by his registration, could not be nominated by another party.¹⁸ In the first primary election after this amendment went into effect, that of 1918, there were on the Democratic ballot the names of three candidates for governor; James Rolph, Jr., registered as a Republican, and Francis J. Heney and Thomas Lee Woolwine, registered as Democrats. Rolph received 74,955 votes, Heney 60,662 votes and Woolwine 28,879 votes. Thus Rolph, though not the choice of a majority of the Democrats for the candidacy for governor, led the other two by a respectable plurality, which is all the law requires to nominate. However, he was also a candidate for the Republican nomination for which he was defeated. Having failed to receive the Republican nomination, he thus became ineligible under the amendment of 1917 for the Democratic nomination. In court proceedings instituted by Heney, the statute was upheld and Rolph was denied the right to have his name on the ballot as the Democratic candidate; but the court could not find any ground for the contention that as Heney had received the second highest vote he should be certified as the Democratic nominee, nor that the Democratic State Central Committee had authority to designate the party's candidate.¹⁹ Another provision of the law prohibited either Heney or Woolwine from becoming independent candidates.²⁰ Thus in

¹⁷ *Hart v. Jordan*, 168 Cal. 321 (1914).

¹⁸ California Statutes, 1917, Ch. 711, p. 1357.

¹⁹ *Heney v. Jordan*, 179 Cal. 24 (1918).

²⁰ California Statutes, 1913, Ch. 690, p. 1391.

1918 the Democratic Party had no candidate for governor under its own name though Theodore A. Bell, at that time a Democrat, ran under the designation "Independent."

In 1919 the legislature endeavored to correct the difficulty produced by the 1917 amendment, by providing that in case the nominee of a party was declared ineligible on account of being affiliated with some other party, the party's state central committee might designate a candidate.²¹ An attempt made in the legislature of 1921 to prohibit a citizen from becoming a candidate for nomination by any party except the one with which he is affiliated was defeated.²²

THE LAW IN OPERATION

Thus, as the law now stands, a person who is registered as affiliated with one party, may run in the primaries of another party, but can win its nomination only if he succeeds in getting the nomination of his own party for the same office. In case such a candidate receives the highest number of votes in the primary of a party not his own, but is defeated for nomination in the primary of his own party, the resulting vacancy is to be filled by the state central committee of the party affected. It is obvious that this situation might be turned to account by a state central committee bent on dominating the party candidates. Moreover, manipulation of that sort would be difficult to uncover. That there would be some danger to the manipulators may be admitted. But a repetition of the experience of the Democratic primary of 1918 is not impossible, and some astute observers of California politics are of the opinion that it is by no means improbable that some state

central committee will some day deliberately try to bring it about. Such is the situation produced in the state by trying to operate a partisan primary in a non-partisan way.

The California primary is "open" to the extent that any voter can participate in the primary of any party. It is, however, "closed" to the extent that the voter qualifies for participation in a party primary by declaring his affiliation with that party at the time of his registration, which must be at the latest thirty days before the date of the primary election.²³ There is some demand to have the primary a completely "open" one but it is not at present powerful enough to make itself felt. On the other hand, there is some dissatisfaction with the "openness" of the present scheme. A great many Democrats habitually register with the Republican Party because the real contests are in the Republican primary, and it is alleged that these Democrats often control the Republican nomination. However, the Democrats who do this are relatively so few that it is unlikely that in many cases they would have much effect upon the Republican candidacies. At any rate there is at present no noticeable demand to have the law changed in this respect. And if such a demand does come, it is more likely to reflect the non-partisan attitude of the voters and result in making the primary as "open" as it is in Wisconsin, than to introduce more rigid tests of membership in a party for the purpose of protecting the partisan primaries.

INTEREST OF VOTER

The objections so far considered have all been aimed at the technical features

²¹ California Statutes, 1919, Ch. 34, p. 53.

²² F. Hichborn: *Story of the California Legislature of 1921*, pp. 225-228 (1922).

²³ J. Deering: Consolidated Supplement, 1917-1919, California Political Code (1922), Secs. 1094; 1096a, pp. 348, 350.

of the primary law. There remains to be examined the dissatisfaction with the results of the operation of the law.

There is first the repeated assertion that the direct primary should be abandoned because so few citizens are interested or participate in it. It is true that fewer voters take part in the primaries than in the subsequent general elections. Data which would show just what proportion of the California electorate goes to the polls doubtless exists, but it is not in such places as to be readily accessible or in such form as to be easily analyzed. It appears that if the objection has merit at all, it is only with respect to county elections. Figures in a few counties indicate that about a third of the voters is all that may be expected to attend the county primaries. In the state primaries, however, the situation is different. Reports issued by the office of the Secretary of State show that 56 per cent of the registered voters participated in the state primaries in 1918,²⁴ and 56 per cent in 1922.²⁵ When it is realized that the total vote in the general election is usually only about 75 per cent of the registration,²⁶ it appears that this criticism of the direct primary is scarcely warranted by the facts. Even if the vote in the primary were considerably less, and admitting that in any event nominations are by a minority of the voters, it cannot be denied that a vastly greater number attend the primaries than ever did under the convention system.

²⁴ Secretary of State: Statement of the Vote at Primary . . . , 1918, p. 3.

²⁵ Secretary of State: Statement of the Vote at Primary . . . , 1922, p. 3.

²⁶ See statement of the Vote at General Election . . . , prepared by the Secretary of State for years 1914, 1916, 1918, 1920. In 1918 the total vote in the general election was 59½ per cent of the registration; compare this with the 56 per cent cast in the primaries.

EXPENSE

Those who object to the direct primary on the ground that voters take no interest in it are usually also loud in their protests against the costs of conducting the primaries. The added expense to the state of an added election must be admitted. Under the convention system the immediate and direct cost to the state of nominating candidates for office was nothing at all. That the direct primary costs real money is perfectly apparent to anyone; but an examination of the actual figures reveals some startling facts. The expense of the state primary election held in August, 1922, was at the rate of \$95 for every voting precinct in Alameda County. In Los Angeles County, the largest county in the state, the cost per precinct was about \$85. In Lake County, a small county, the cost per precinct was slightly more than \$100.²⁷ There were 6,695 voting precincts in the state. If the average cost per precinct was \$85, which is probably a low estimate, the total was about \$570,000. A total vote of 800,000 makes the cost per vote about seventy cents. The expense of conducting the primary is somewhat higher than that of conducting a general election, on account of the additional help required in the verification of nominating petitions and the necessity of printing ballots for each different party as well as a non-partisan ballot.

The real question here is whether the direct primary is worth the cost, but it will hardly be fair to compare it with the convention system on this basis. The direct primary was adopted for the express purpose of eliminating the evils of conventions; if we would cure our-

²⁷ The figures here given are based on statements of expense secured by Mr. Bevier Robinson, of Stanford University, from county officials in the various counties named.

selves of serious political ills, we must expect to pay the bill. Moreover, while it is true that the expenses of the conventions did not come immediately out of the state treasury, nobody knew how much the system eventually cost the state indirectly. It may well be questioned, however, whether the average voter would be particularly enthusiastic about the direct primary if he were obliged to pay out seventy cents in cold cash before he could get his ballot at the polls on primary day.

EFFECT ON MACHINE POLITICS

Some light on the value of the direct primary might be had if we could discover to what extent the evils of boss rule and machine politics have been removed by the substitution of direct nominations for the convention system. But again there is no thoroughly reliable information on which to base a judgment. One powerful political machine certainly has been destroyed; and the direct primary was a major contributing cause in its downfall. It is by no means certain, however, that a new machine has not been created in its place. But if it does exist, it is clear that it was not so completely in control of the political situation as to determine the candidates for many of the offices in the 1922 primaries. It is exceedingly difficult also to find out whether party committees control the party candidacies. In local elections it is often the case that there appear advertisements of the "endorsement" of candidates by county or city Republican or Democratic committees. In elections for Congress and the state legislature, however, the ease with which candidates succeed in winning in several different party primaries would seem to indicate either that party committees of opposing parties were working together or that they were not active at all.

The latter is the safer conjecture, especially in view of the fact that it has been the party politicians who have made the many attempts to limit candidacies in any party's primaries to members of that party. Nevertheless, there is at least one case where a party committee has openly tried to influence the primaries and with some success. The Democratic State Central Committee at a meeting held on July 11, 1922, "suggested" a list of candidates for all state offices (except governor) for United States senator and for members of Congress and the state legislature.²⁸ These "suggestions" were not generally accepted, and in the cases of two incumbent members of Congress the recommendations were superfluous,—they would have been nominated anyway. But in a number of districts there were no candidates in the Democratic primaries except those named by the committee. Doubtless there are other cases of the same sort of thing, some perhaps not so open. But those who allege the existence of widespread machine domination of the primaries have yet to prove their case.

QUALITY OF CANDIDATES

The value of the direct primary might perhaps be thought to be evidenced to some extent by the quality of the candidates it produces. Here again there is no reliable information on which to base conclusions. To prove that the character of public officials in California, judged by their honesty, ability, and attention to public business, has been lowered by use of the direct primary would tax the ingenuity of the most adroit critic of the direct primary. The persons who hold positions in state, county and city governments may not please *The San Francisco Chronicle* or *The Los Angeles Times*. It

²⁸ *The San Francisco Chronicle*, July 12, 1922,

by no means follows that they displease very many others or that they are, in fact, dishonest or incompetent. And a careful reading of the history of California politics in the days of the unregulated conventions would leave the unbiased observer somewhat at loss to discover in what desirable qualities public officers in those times excelled their successors of today. On the other hand, no one in his senses would claim that the officials of its various governing agencies are the most able and the most effective the state could possibly get. However, it may be pointed out that the chief purpose of the direct primary was not to increase the efficiency of government; it was to insure that whatever the government was,—whether good or bad,—the voters should have their will about it and not have to accept a government at the hands of a party organization. Judged wholly from that point of view the California primary system has been a success. Even where the voters may have accepted,—under the primary law,—machine-picked candidates, it was generally with the full knowledge of the facts and with the free opportunity to reject the candidates.

EXPENSE TO CANDIDATES

A very serious objection to the direct primary is that it costs the persons who run for office so much that many worthy persons are absolutely prohibited from becoming candidates. That it costs more under the direct primary than it did under the convention system for a person to become a candidate for office is another thing which cannot be proved. There are no records of the amounts spent by candidates before the party conventions in the days when there were no direct primaries. Such records as we have of the expenditures of candidates in the

primaries indicates that the cost of running for office is not exorbitant as a usual thing. When it is remembered that in a state-wide contest in the Republican Party, the candidates in 1922 had to reach 927,046 voters, the \$650 which the defeated candidate for governor declares he spent is little enough. Even the \$6,086.15 spent by the successful candidate is at the rate of less than two-thirds of one cent per registered Republican voter, and slightly over two cents for each vote he received. Both of these candidates were very well known and doubtless it cost them less than an unknown person would have had to pay. The most costly campaign of all, as indicated by the statements filed with the Secretary of State, was that waged by the defeated contestant for the Democratic nomination for governor. He spent \$11,402.54 to reach 305,658 registered Democrats. Even this is only about three and two-thirds cents per voter. As he was little known compared with his opponent, who spent \$1585.10, his costs probably represent about the high mark in primary campaigns. In comparison with the salary of the office of governor, \$10,000 a year for the four-year term, the smaller amounts spent by candidates are not too great. It may be doubted, however, whether more than \$10,000 is not prohibitive in most cases.²⁹

In Santa Clara County, in which the total number of registered voters for the

²⁹ The figures for expenses in this and the following paragraph are the candidates' own statements required of them by the primary law. They are taken from a news dispatch from Sacramento published in *The Daily Palo Alto Times*, for September 15, 1922, and from data secured by Mr. Ralph N. Shott, of Stanford University, from the office of the county clerk of Santa Clara County. There is, of course, the very great probability that sums were spent in behalf of some candidates in addition to those here given; but as to that there is no positive evidence.

1922 primary was 40,174, the amounts spent by the candidates for the offices which were actually contested ranged from \$272 to \$1,943. This is at the rate of from two-thirds of one cent to five cents per vote. The salaries of the offices involved were not above \$3,000 a year for a four-year term. It will be remembered that these offices are non-partisan. For some of these there was no contest, and in several cases the entire expense of the candidates included only the necessary notarial and filing fees.

EXPENSES NOT PROHIBITIVE

Whether these costs are too high depends chiefly on whether it would have cost the same candidates less to be nominated in some other way. If it could be proved that better candidates would have been nominated at a less cost to themselves under the convention system, the case for the convention would be almost complete. But it cannot be proved. It may be pointed out also that if some persons are now barred from nomination by the direct primary on account of the prohibitive costs (and no one will deny this), many others had no chance at all under the convention system no matter how able they or their friends were to finance their campaigns. Moreover, it may well be doubted that any considerable number of voters who have any real reason for insisting on the candidacy of any particular person, would experience great difficulty in raising a campaign fund sufficient to put the merits of their candidate before the voters.

A by-product of the California corrupt practices law is an indirect limitation on the costs of conducting campaigns. The purposes for which money may be spent are specified in the law, and candidates are required to file statements of the total amounts

spent. But the lawful purposes include almost everything that is at all useful and there is no limit on the total amount which the candidates may lawfully spend.³⁰ The principle of the corrupt practices law might be developed in two directions. A limit might be set on the total amount which could be spent in candidacy for each office; or the state might publish a publicity pamphlet, at the expense of the candidates but with a maximum of space available to each, to be mailed to each voter and to be the only means by which campaigns could be carried on. Both of these proposals are somewhat unfair, in that the best known candidates have a tremendous advantage which only extensive and intensive campaigning can overcome. The exclusive use of the official publicity pamphlet is undesirable from another point of view; the voter can scarcely judge with satisfaction between candidates whom he cannot see and hear, nor can the candidates effectively reveal each other's weaknesses unless they can make a good many statements at different times during the campaign. In an election for genuinely important offices a campaign conducted only in the pages of a pamphlet issued but once would be almost useless to a relatively little known candidate or to a public interested in comparing the personalities of the candidates.

NOMINATION OF CANDIDATES FOR LOCAL OFFICE

Experience with elections in counties and cities indicates that neither the direct primary nor the convention is necessary for nominating candidates for local office. The method already used in some cities³¹ might be adopted

³⁰ J. Deering: Consolidated Supplement, 1917-1919, General Laws of California (1922), Act 1010, Secs. 29 and 30, pp. 1222-1223.

³¹ *E.g.* San Francisco. See California Statutes, 1917, p. 1714.

generally. A "declaration of candidacy" is filed by the candidate accompanied by "endorsements" of a small number of electors. The exact number is not important but perhaps it ought not to be less than ten. Each endorsement is made separately to emphasize the responsibility of the voter signing it, and the endorsers or "sponsors" become in fact a sort of campaign committee for their candidate. Party organizations might easily propose "tickets" but as local offices are already non-partisan, no party designations appear on the ballot, and in campaigning no one has any more right to the use of a party label than another. Party organizations would have some advantage but no more than under the present direct primary. To avoid the disasters that sometimes follow three-cornered fights, a scheme of preferential voting, such as is used in San Francisco, might be adopted, though there is now some doubt about the constitutionality of that device in California. In a recent case the Court of Appeals for the third district declared the system of proportional representation established by the present Sacramento charter invalid partly on account of the preferential or "transferable" vote.³² However, the number of actual contests for county and city offices is so small, and the cases where there are more than two candidates so rare, that the system here suggested is probably safe without the preferential vote.

Of course the fundamental fact is that these local offices involve no partisan issues of any sort; they are wholly administrative. The fundamental reform, therefore, is to remove them from the elective class. That there is some opinion in this direction already is

³² *People v. Elkus*, 39 Cal. Ap., 277 (1922). This case is now before the Supreme Court of the State on appeal.

evidenced by the following editorial:³³ ". . . Most of the county offices, in fact, are of such nature that issues cannot creep in. The work is routine and laid out in advance, and can be done but one way. In such offices we believe the man who is giving satisfaction should be as secure in his position as a man employed by a private business concern would be under similar circumstances. The time undoubtedly will come when certain county offices will become appointive, rather than elective, the appointees being entitled to continue in service as long as they are faithful and competent. The first step toward that ultimate reform was taken a few years ago when those contests were placed on a non-partisan basis. The next step will be to place the offices on a non-contest plane." The arguments made here apply equally well to the choice of judges. If this reform were adopted to apply to all existing non-partisan offices, the costs of the primary election would no longer be so important a grievance against it from the point of view either of the taxpayer or of the candidate.

NOMINATIONS DOMINATED BY NEWSPAPERS

A final criticism of the direct primary is that nominations have come under the domination of the newspapers, particularly the big city newspapers. Yet the "power of the press" is probably no more pronounced now than in the old days, when party conventions also felt the journalistic influence. It appears to be accepted as a fact that the successful candidate for governor in the Republican primaries of 1922 owed his nomination very largely to the support of the country press which was united in his behalf. That this is subversive of the public good remains

³³ *The Daily Palo Alto Times*, September 14, 1922.

to be proven; certainly if a greatly preponderant majority of the newspapers of a state are behind a candidacy, there must be some merit in it. It is possible of course, though hardly probable, that so many papers could be dominated by "sinister interests" in behalf of an unfit candidate.

It is true that the ownership of newspapers is uncontrolled by the public, and that owners can and often do influence the news as well as the editorial columns. It is also true that the ownership of a newspaper and the political and economic affiliations of that ownership are usually matters of common knowledge in the locality where it is published and where it circulates. Sometimes a paper's "politics" is known even to people among whom it does not circulate. The particular bias of such a paper as *The San Francisco Examiner*, for example, or *The Los Angeles Herald*, or *The Sacramento Bee*, or *The Fresno Republican*, is known throughout the state and due allowance is made for it. Moreover, a newspaper's editorial policy is probably influenced by its readers as well as by its owners. To be a success it must have readers; to have readers it must please them. It will not in the long run follow a consistently unpopular policy or endorse unpopular candidates. It is a notable fact that the leading papers of the state are quick to "back winning horses." For these reasons if the voters of the state were to choose between candidates produced by conventions dominated by bosses and machines, with or without newspaper influence, and candidates produced by a direct primary dominated by the newspapers, there is no doubt that they would take their chances with the latter.

CONCLUSION

It appears from this analysis of the operation of the direct primary in

California that there are two classes of criticism of the present law,—those which are addressed to certain features of the California primary and those which constitute attacks on the primary system itself as a method of nomination. Of the former only one difficulty of great significance is observable, *i.e.*, the provision respecting candidacy by one person for an office in the primaries of more than one party at the same time. If a member of one party is to be permitted to run in the primaries of another party, he certainly ought to be permitted to become that party's candidate if he can get enough votes.

Of the objections to the primary itself the following may be noted: (1) Lack of interest on the part of voters is confined chiefly to local primaries where it is often the case that there are no contests. The indicated reform is either the adoption of a simpler system of nomination than either convention or direct primary, or to make the local administrative offices appointive by an elected legislative body, *i.e.*, the adoption of the "short ballot." (2) The cost of conducting the direct primary is great, but not too great if its purposes have been accomplished. That these purposes have been in large part if not wholly achieved will be generally admitted. Again the adoption of the "short ballot" would materially diminish the cost. (3) The cost to the candidates for campaigning is in many cases prohibitive, but probably not more so than under the convention system. The most practicable remedy here is also the "short ballot" and a simpler nominating system for such non-partisan local offices as must be elected. (4) The influence of the press may on occasion be pernicious, but at its worst it is not an unmixed evil. It contains its own corrective in the inherent necessities of the competitive

nature of the newspaper business. And it should be said that, despite some conspicuous exceptions, the reputation for fairness of the newspapers of the state as a whole is decidedly in their favor. (5) Finally, none of the defects

of the direct primary would be cured by a return to the convention system. Moreover, whatever the defects of the direct primary, the citizens of California show no desire to abandon it.

The Direct Primary Law in Maine and How It Has Worked

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THE adoption of the direct primary law in Maine in 1911 was due largely to the progressive movement which placed on the statute books, in addition to the direct primary law, the initiative and referendum, and a corrupt practices act. An opinion which prevailed generally with the masses in both parties was that "the official class has long relieved the voters . . . of the obligation of self-government."¹ It was contended that the official class "had packed legislative committees," had "resisted state printing reforms," had been guilty of "charging up dead-head tickets against the taxpayers," and had exempted from taxation railways, "wild land, and other public utilities."²

A plank demanding "honest caucuses," and "full publicity of all expenditures" for nominations as well as elections, appeared in the Democratic platform of 1908. Both of the major parties advocated a direct primary law in their platforms of 1910.³ The legislature which convened in January,

1911, was Democratic in both of its branches.⁴ The Republican members of the legislature were not willing, however, to leave to their Democratic colleagues the task and honor of providing the state with a direct primary law. Under the leadership of Howard Davies of Yarmouth a direct primary law was drawn up, filed with the Secretary of State, February 3, and transmitted to the legislature, February 6, 1911.⁵ It became the Republican measure and was commonly called the Davies Bill. The Democratic or Administration Direct Primary Bill was introduced into the House, March 10, just three weeks before the legislature adjourned.⁶ It was drawn up by Nathan Clifford and William M. Pennell of Portland and was commonly known as the Pennell Bill.⁷ Both Bills were referred to the Judiciary Committee. The Democratic majority in the committee reported in favor of the Pennell Bill, while the Republican minority members favored the Davies Bill.⁸ The majority report in favor of the Pennell Bill was adopted by the House by a vote of seventy-five to twenty,⁹ and by the Senate by a vote of nineteen to five.¹⁰ The vote closely followed party lines. The debates in the legislature on the measures were surprisingly short. With one or two exceptions the arguments clashed

¹ Lewiston *Evening Journal*, July 1, 1908.

² *Ibid.*, June 30, 1908.

³ Maine Republican Party platform, 1910: "We urge upon our legislature the enactment of such direct primary and other laws as may properly regulate the conduct of all caucuses to secure the honest and free expression of the proper voters therein." Lewiston *Evening Journal*, June 29, 1910.

Maine Democratic Party platform, 1910: "The Democratic Party of Maine in convention assembled declares that it will . . . demand a direct primary law." Lewiston *Evening Journal*, June 15, 1910.

⁴ House: Democrats, 87; Republicans 64. Senate: Democrats, 22; Republicans, 9.

⁵ State of Maine, *Journal of the Senate*, 1911, p. 202.

⁶ *Ibid.*, *Legislative Record*, 1911, p. 458.

⁷ *Ibid.*, p. 1061.

⁸ *Ibid.*, p. 739.

⁹ *Ibid.*, p. 1066.

¹⁰ *Ibid.*, p. 1046.

only on the difference between the bills and not on the general principles of the direct primary.

The only attack in either House on the general principles of the direct primary was made by the Democratic senator from Knox County, Mr. L. M. Staples. He contended, first, that a direct primary would make it "almost impossible for any man of moderate means to become a candidate for office," on account of the great expense involved in getting the voters out to the polls for the primary election;¹¹ and, second, that there was "no call for it by the voters of Maine." Senator Carl E. Milliken (Republican), of Aroostook, answered that he considered that the argument about the expense had no force whatever and that he favored the direct primary because it would "give the people a right to express directly their choice."¹²

The relative merits of the opposing measures were argued more at length. Both Bills applied the direct primary to the nomination of governor, representatives to Congress, and United States senators. The Davies Bill, however, went further and applied it to the state auditor, members of the state legislature, and county officers. The Davies Bill, furthermore, contained detailed provisions not found in the Pennell Bill for holding state conventions prior to the primaries, for limiting the expenditures of candidates, and for publicity of campaign expenditures; while the Pennell Bill alone provided that candidates for governor should pay to the Secretary of State a fee of one hundred dollars and for representative to Congress, or United States senator fifty dollars.

The Democrats, led by Mr. Williamson of Kennebec County, contended

that county officers should not be included, since candidates for county positions are not usually well known throughout the county; hence the voters will naturally vote for the candidate from their own section. The result, he believed, would be that candidates from the cities or large towns would always win and that the smaller towns would be "almost wholly deprived of representation." He believed also that where several towns made up a representative district, the representative to the state legislature would always come from the largest town.¹³

Since the legislature refused to enact the initiated Davies Direct Primary Bill, it automatically went before the voters of the state. The question came up for decision at the special election held on September 11, 1911. Very little public interest seemed to have been aroused, if we may judge from the newspaper accounts. Public attention during the weeks preceding the election was absorbed almost entirely by the prohibition constitutional amendment which was resubmitted to the voters.

At the polls, however, the people expressed their approval of the Davies Bill by a vote of 65,810 to 21,744. The popular majority in favor of the measure was almost as pronounced as was the majority in the legislature in favor of the Pennell Bill. Not only the country towns but the cities, including those under Democratic control, voted in favor of the measure. It is difficult to account for the large "yes" vote in such Democratic cities as Lewiston, where the vote was 2,613 for to 340 against.¹⁴ Possibly the great mass of city voters were instructed to vote "yes" on all the ques-

¹¹ State of Maine, *Legislative Record*, 1911, p. 1045.

¹² *Ibid.*, p. 1046.

¹³ *Ibid.*, p. 1062.

¹⁴ Lewiston *Evening Journal*, September 12, 1911.

tions on the ballot in order that they would vote "yes" for the repeal of the prohibition clause.

The adoption of the Davies measure by the people, automatically made null and void the Administration Bill passed by the legislature. The proponents of the measure expected it to produce the following results:

1. Render impossible the rule of the party boss.
2. Reduce corruption to a minimum.
3. Afford opportunity for the examination of a candidate's record.
4. Inform the voters with regard to the candidate's position on pending questions of public policy.
5. Afford better facilities for the punishment of official wrongdoing.
6. Secure rule of the people.

ESSENTIAL FEATURES OF THE MAINE DIRECT PRIMARY LAW

An understanding of the essential features of Maine's direct primary law and the conditions under which it has operated, is necessary for an understanding of how it has worked.

The essential features are as follows:¹⁵

1. *Application of the Law.* The law applies to state governor, auditor, United States senators, representatives to Congress, and county officers, but does not apply to city, town and plantation officers.

2. *"Closed" Type of Primary.* The primary is of the "closed" type, in that it requires enrolment in the party as a prerequisite for voting in all towns of two thousand or more inhabitants. Voters in towns of less than two thousand are required only to declare their party affiliation. Enrolment cannot be changed from one party to another within six months of the primary elec-

tion. This provision, however, does not apply to cities of more than 35,000 inhabitants, which, in effect, exempts only the city of Portland from the enrolment clause.

3. *Nominations.* A candidate secures a place on the primary ballot by filing nomination papers containing names of qualified voters to the number of "not less than one per cent nor more than two per cent of the entire vote cast for governor in the last preceding election . . . within the electoral division or district wherein such proposed candidate is to be voted for."

4. *Expenditures.* Candidates nominated in the primary election are required to file with the Secretary of State a "return of expenditures." The law limits the amount which the candidates for the several offices may spend, and indicates the purposes for which money may be expended. Personal traveling expenses, postage and stationery are not included in the return.

5. *State Convention.* Provision is made for a state convention of each party to be held prior to the primary, at which convention a party platform is drawn up and adopted, and a state committee, congressional district committees and county committees are chosen.

It should be noted here that the direct primary began under more favorable conditions in Maine than in many other states. For it was not handicapped by the long ballot, which has been one of the chief difficulties facing it in many states. Among the state officials, only the governor and auditor are elected by popular vote, and all the positions to be filled by primary nominations, with the exception of a few of the county positions, are important enough to interest the average voter.

¹⁵ State of Maine, *Revised Statutes*, 1916, Chap. 6.

HOW HAS THE DIRECT PRIMARY WORKED IN MAINE?

The subject will be treated under the following headings:

1. Has the primary given undue advantage to city candidates and deprived the country of its just representation in state and county offices?
2. What has been the effect of the primary upon the number of candidates?
3. Has it substituted plurality for majority in nominations?
4. What effect has it had upon party organization and party harmony?
5. What has been its effect upon the quality of officers chosen?
6. Has the direct primary made it more expensive to run for office?
7. What has been the effect of the direct primary upon popular interest in nominations?

(1) HAS THE DIRECT PRIMARY GIVEN AN UNDUE ADVANTAGE TO THE CITY CANDIDATE OVER HIS COUNTRY RIVAL?

The *Portland Evening Express* and *Daily Advertiser* maintains that it does. The "direct primary plan," it says, ". . . invariably gives the city candidate an advantage over the country candidate," since "a voter will almost certainly support a man from his own town."¹⁶ The same view is expressed by the *Bangor Daily Commercial*.¹⁷ Such a result was predicted on the floor of the Senate when the bill was before the legislature. The statement that the city candidate has an undue advantage has been repeated so often and widely that it has been accepted almost as an axiom.

In order to discover the facts, the writer has made a study of the dis-

tribution of county officers and state senators between the cities and country towns in the counties having important urban centers for the six biennial periods since the adoption of the direct primary. The distribution for that period was then compared with a like distribution during the last six biennial periods under the convention system. The tabulated results of the study appear in the accompanying tables.¹⁸

Table I shows that under the direct primary in comparison with a like period under the convention, the city's share in the offices was reduced by twenty-two, or 4.6 per cent, while the country's share was increased by the same amount. Five of the eight counties showed a loss for the cities and a gain for the country towns. A further analysis of the figures, which are given in Table II, results in the interesting discovery that under the direct primary there has been a remarkable correlation of distribution of offices according to population as between city and country. The distribution of offices in every county except Kennebec has tended to approach more closely to the basis of the population distribution. On the basis of population distribution, the cities of the counties of Cumberland, Sagadahoc and York, in the period prior to the direct primary, had been under-represented in county offices, while the cities in the other five counties had been over-represented. A study of Table III shows how nearly the under-representation in the one group and the over-representation in the other have been wiped out. Bangor furnishes a striking illustration.

¹⁸ NOTE: The biennial period was taken as a unit of comparison, and no account was taken of the fact that the term of some offices was four years, in order to indicate accurately the extent to which the city and the country each enjoyed the emoluments of office.

¹⁶ *Portland Evening Express* and *Daily Advertiser*, November 14; November 24, 1922.

¹⁷ *Bangor Daily Commercial*, November 15; November 25, 1922.

TABLE I—DISTRIBUTION OF COUNTY OFFICES BETWEEN CITY AND COUNTRY
(Convention Era Compared with Direct Primary Era)

COUNTY	CITY				COUNTRY			
	1901-11		1913-23		1901-11		1913-23	
	No. of Offices 1	Per Cent of Total 2	No. of Offices 3	Per Cent of Total 4	No. of Offices 5	Per Cent of Total 6	No. of Offices 7	Per Cent of Total 8
Androscoggin.....	46	76.6	44	73.3	14	23.4	16	26.7
Cumberland.....	29	48.3	34	56.5	31	51.7	26	43.5
Kennebec.....	27	45.0	22	36.6	33	55.0	38	63.4
Knox.....	25	41.7	15	25.0	35	58.3	45	75.0
Penobscot.....	32	53.3	22	36.6	28	46.7	38	63.4
Sagadahoc.....	32	53.3	36	60.0	28	46.7	24	40.0
Waldo.....	36	60.0	21	35.0	24	40.0	39	65.0
York.....	9	15.0	20	33.3	51	85.0	40	66.7
Total.....	236	49.2	214	44.6	244	50.8	266	55.4
Gain or Loss.....	....	....	-22	-4.6	....	....	+22	+4.6

TABLE II—POPULATION

COUNTY	TOTAL	CITY	CITY'S PER CENT OF TOTAL	COUNTRY	COUNTRY'S PER CENT OF TOTAL
Androscoggin.....	65,796	48,776	74.2	17,020	25.8
Cumberland.....	124,376	69,272	55.7	55,104	44.3
Kennebec.....	63,466	27,466	43.8	36,378	56.2
Knox.....	26,245	8,109	31.3	18,136	68.7
Penobscot.....	87,684	25,978	29.6	61,706	70.4
Sagadahoc.....	23,021	14,731	63.9	8,290	36.1
Waldo.....	21,328	5,083	23.8	16,245	76.2
York.....	70,696	35,516	50.2	35,180	49.8
Total.....	482,991	234,931	48.6	248,059	51.4

Under the convention era, 1901-11, she held thirty-two to the country's twenty-eight county offices, while under the direct primary, 1913-23, she has held twenty-two to the country's thirty-eight.

It is interesting to note that in Kennebec County, which alone failed to follow the general tendency, the country towns rather than the city

gained "an undue advantage" under the direct primary.

CITY AND COUNTRY REPRESENTATION
COMPARED

The tendency under the direct primary for representation between city and country to approach the standard of the population distribution is further clearly indicated by Tables IV and V.

TABLE III—DISTRIBUTION OF COUNTY OFFICERS COMPARED WITH DISTRIBUTION OF POPULATION BETWEEN CITY AND COUNTRY

COUNTY	CITY								COUNTRY								
	1901-11				1913-23				1901-11				1913-23				
	Per Cent of Offices	Per Cent of Pop- ulation	+	—	Per Cent of Offices	Per Cent of Pop- ulation	+	—	Per Cent of Offices	Per Cent of Pop- ulation	+	—	Per Cent of Offices	Per Cent of Pop- ulation	+	—	
Androscoggin...	76.6	74.2	2.4	....	73.3	74.2	....	.9	23.4	25.8	....	2.4	26.7	25.8	....	.9	....
Cumberland...	48.3	55.7	....	7.4	56.5	55.7	.8	....	51.7	44.3	7.4	....	43.6	44.3	....	....	.8
Kennebec.....	45.0	43.8	1.2	....	36.6	43.8	....	7.2	55.0	56.2	....	1.2	63.4	56.2	....	7.2	....
Knox.....	41.7	31.3	10.4	....	25.0	31.3	....	6.3	58.3	68.7	....	10.4	75.0	68.7	....	6.3	....
Penobscot.....	53.3	29.6	23.7	....	36.6	29.6	7.0	....	46.7	70.4	....	23.7	63.4	70.4	....	....	7.0
Sagadahoc.....	53.3	63.9	....	10.6	60.0	63.9	....	3.9	46.7	36.1	10.6	....	40.0	36.1	....	3.9	....
Waldo.....	60.0	23.8	36.2	....	35.0	23.8	11.2	....	40.0	76.2	....	36.2	65.0	76.2	....	....	11.2
York.....	15.0	50.2	....	35.2	33.3	50.2	....	16.9	85.0	49.8	35.2	....	66.7	49.8	16.9	....	....

TABLE IV—DISTRIBUTION OF SENATORS BETWEEN CITIES AND COUNTRY TOWNS

COUNTY	CITY					COUNTRY					1913-23		
	1901-11		1913-23			1901-11		1913-23					
	No. of Senators 1	Per Cent of Total 2	No. of Senators 3	Per Cent of Total 4	Per Cent of Total Population 5	No. of Senators 6	Per Cent of Total 7	No. of Senators 8	Per Cent of Total 9	Per Cent of Total Population 10			
												Difference Between Column No. 9 and Column No. 10 11	
Androscoggin.....	8	66.7	11	91.7	74.2	4	33.3	1	8.3	25.8	.....		17.5
Cumberland.....	10	41.6	13	54.2	55.7	14	58.4	11	45.8	44.3	1.5	.....	.....
Kennebec.....	4	22.2	8	44.4	43.8	14	77.8	10	55.6	56.2	.....	.....	.6
Knox.....	0	0.0	1	16.7	31.3	6	100.0	5	83.3	68.7	14.6	.....	.....
Penobscot.....	6	33.3	6	33.3	29.6	12	66.7	12	66.7	70.4	.....	.....	3.7
Sagadahoc.....	3	50.0	3	50.0	63.9	3	50.0	3	50.0	36.1	13.9	.....	.....
Waldo.....	0	0.0	1	16.7	23.8	6	100.0	5	83.3	76.2	7.1	.....	.....
York.....	6	33.3	6	33.3	50.2	12	66.7	12	66.7	49.8	16.9	.....	.....
Total.....	37	34.3	49	45.4	48.6	71	65.7	59	54.6	51.4	+3.2	.....	.....
Gain or Loss.....	..	.....	+12	+11.1%	.....	..	.....	-12	-11.1%	.....	.....	.....	.....

NOTE: Total number of Senators, 108.

During the last six biennial periods under the convention system, the representatives of cities won 14.3 less than their just proportion according to population, while under the direct primary they approached to within 3.2 of their just proportion on the basis of

TABLE V—DISTRIBUTION OF STATE SENATORS BETWEEN CITY AND COUNTRY COMPARED WITH DISTRIBUTION OF POPULATION
1901-1911 (Convention Era)

	CITY	COUNTRY
Per cent of county population.....	48.6	51.4
Per cent of offices.....	34.3	65.7
Over- or under-represented.....	-14.3	+14.3

1913-1923 (Direct Primary Era)

Per cent of county population.....	48.6	51.4
Per cent of offices.....	45.4	54.6
Over- or under-represented.....	-3.2	+3.2

population. It is often contended that Greater Portland, including Westbrook and South Portland with Portland, has been securing more than her share of the state senators. Statistics show that Greater Portland with 70.7 per cent of the population of the county held (1901-11) only 54.5 per cent of the senatorial representation, while under the direct primary, (1913-23) she has held 62.5 per cent of the senatorial representation, which is 8.2 less than her population calls for. Is it fair to say in the face of such facts, that the cities have an undue advantage in securing senatorial representation, especially when it is recognized that on account of the constitutional limitation the cities are greatly under-represented

in the House? Portland has one representative in the House for each ten thousand people, while many of the smaller towns have one for each three thousand.

It has been said that the distribution of offices is not a fair test, and that the real test comes when a candidate from the city runs in opposition to a candidate from the country. Applying that test to the Republican primary of 1922 ¹⁹ in the eight counties chosen above, it appears that there were eighteen contests between country and city candidates; *twelve* were won by the country candidates and *only six* by the city candidates.

A survey of the statistics ²⁰ on the primaries in the three counties having the large cities, ²¹ Androscoggin, Cumberland, and Penobscot, for the six primary elections gives the results, as shown in Table VI, with regard to contests for county offices. The more significant statistics are those from the Republican primaries in Cumberland and Penobscot counties, where the candidate nominated at the primaries is reasonably sure of election.

Table VII shows the total number of candidates in the three counties contesting for the several offices, the number from the city and from the country winning and losing. It is interesting to note from the table on bottom of following page that 46.7 per cent of the candidates running from the city won, while 53.3 per cent lost; while among the country candidates 49.6 per cent won and 50.4 per cent lost.

The opponents of the direct primary in 1911 predicted that in case a representative to the legislature represented

¹⁹ NOTE: The contests in the Democratic primaries were few and the Democratic organization in the country districts in most counties was much weaker than that of the cities.

²⁰ Official returns filed in the office of the Secretary of State at Augusta.

²¹ Auburn and Lewiston, Portland, and Bangor.

TABLE VI—REPUBLICAN PRIMARIES

COUNTY	NO. OF CONTESTS	WON BY CITY	WON BY COUNTRY
Androscoggin.....	11	5	6
Cumberland.....	12	5	7
Penobscot.....	12	3	9
Total.....	35	13	22

DEMOCRATIC PRIMARIES

Androscoggin.....	10	6	4
Cumberland.....	22	13	9
Penobscot ^a	6	4	2
Total.....	38	23	15
Total, Republican and Democratic	73	36	37

^a Residences of candidates in Penobscot County were not procured for 1912-14; hence only four primaries are represented in the Penobscot figures.

TABLE VII—CITY AND COUNTRY CANDIDATES²²

COUNTY	NO. OF OFFICES	CANDI- DATES	CITY		COUNTRY	
			Won	Lost	Won	Lost
<i>Republican</i>						
Androscoggin.....	38	82	29	31	9	13
Cumberland.....	36	82	26	35	10	11
Penobscot.....	23	63	10	25	13	15
Total.....	97	227	65	91	32	39
<i>Democratic</i>						
Androscoggin.....	32	72	25	31	7	9
Cumberland.....	36	57	22	12	14	9
Penobscot.....	23	38	11	6	12	9
Total.....	91	167	58	49	33	27
Total, Republican and Democratic	188	394	123	140	65	66

²² The statistics for Penobscot for 1912-14 and for Androscoggin for 1914 are not included, since the residences for those years were not available.

several towns, one being much larger than the rest, the smaller town would never furnish a representative. For example, it was declared in the legislature, 1911,²³ concerning the legislative class made up of Hallowell, Manchester, and West Gardiner, that: "Under the present system [Convention] . . . Manchester would have one term, West Gardiner one, and Hallowell three. But if the Davies Bill becomes a law neither Manchester nor West Gardiner will be represented during the next ten years." The extent to which the prediction failed is indicated by the fact that West Gardiner had its turn in 1914, Manchester in 1916, and Hallowell its three in the three succeeding biennial periods.²⁴ A survey of a large number of similar representative districts shows that in the main, the tradition of distribution of representatives between towns has been continued unaffected by the change in the system of nomination.

(2) WHAT HAS BEEN THE EFFECT OF THE DIRECT PRIMARY UPON THE NUMBER OF CANDIDATES?

The answer to the question may be gained from an analysis of Table VIII. It appears from the table that the average number of candidates for the Republican positions was about one and one-half, for the Democratic positions slightly more than one and one-tenth, while 71.1 per cent of all the positions were filled by unopposed candidates.

Referring back to Table VII²⁵ it is seen that in the three counties examined, three hundred and ninety-four candidates entered the primary contest for one hundred and eighty-eight

county positions, which makes an average of slightly more than two candidates for each office. A comparison of the above results under the primary system with the number of candidates running under the convention system, based upon newspaper reports, shows that the change to the primary has had little or no effect in Maine upon the number of candidates running for office.

(3) HAS THE DIRECT PRIMARY SUBSTITUTED PLURALITY FOR MAJORITY NOMINATIONS?

One of the usual objections made against the direct primary is that it substitutes plurality for majority nominations. In theory that is undoubtedly a weakness. But how has it worked in practice? An analysis of the primary election returns for 1922 shows that out of the five hundred and ninety-two positions filled by the two parties in the primaries, five hundred and fifty-eight were nominated by a majority vote; that is, 94.3 per cent received a majority of the votes cast. An examination of the nominations of ninety-six senators from Androscoggin, Cumberland and Penobscot counties since 1912²⁶ shows that ninety-four were nominated by a majority and only two by a plurality vote. An examination of the nominations of one hundred and eighty-eight county officers for the same counties over the same period, shows one hundred and forty-nine nominated by a majority vote and thirty-nine by plurality vote. It seems fair to conclude, therefore, that the evils of plurality nominations have been experienced only to a slight degree under the primary.

²³ State of Maine, *Legislative Record*, 1911, p. 1063.

²⁴ Official Returns, Office of the Secretary of State, Augusta.

²⁵ Above, page 136.

²⁶ NOTE: The figures for 1912 and 1914 for Penobscot County were not available, hence only the four biennial periods 1916 through 1922 were used for that county.

TABLE VIII—PRIMARY OF 1922

Republican

OFFICE	NUMBER	CANDIDATES	UNOPPOSED	By MAJORITY VOTE	By PLURALITY VOTE
U. S. Senator	1	3	0	1	0
Governor	1	3	0	1	0
State Auditor	1	3	0	0	1
Representative to Congress	4	4	4	4	0
County Offices	107	194	60	88	19
State Representatives	151	208	85	146	5
State Senators	31	48	4	27	4
Total	296	463	153	267	29

Democratic

U. S. Senator	1	1	1	1	0
Governor	1	1	1	1	0
State Auditor	1	1	1	1	0
Representative to Congress	4	4	4	4	0
County Offices	107	131	88	102	5
State Representatives	151	155	144	151	0
State Senators	31	33	27	31	0
Total	296	326	266	291	5
Total Republican and Democratic	592	789	419	558	34

(4) WHAT HAS BEEN THE EFFECT OF THE DIRECT PRIMARY UPON PARTY ORGANIZATION AND PARTY HARMONY?

The answer to the above is largely a matter of opinion. If political news in the daily press and the evidence given by the candidates themselves may be relied on, it is only rarely that bitter personalities among candidates in a primary have been indulged in. The candidate defeated in the primary almost invariably lends his hearty support in the election campaign to his successful opponent. In fact, a study of the newspapers reveals fewer political feuds in the party in recent years than appeared in the period from 1900 to 1912, when "ring" and "anti-ring" were often struggling to control the party nominating conventions.

The pre-primary state conventions, provided for by the primary law, aid in bringing the party leaders and delegates together for conference and discussion. There is a widespread feeling, however, that the lack of a county convention is a handicap to the party organization in the county.

(5) WHAT HAS BEEN THE EFFECT OF THE PRIMARY UPON THE QUALITY OF OFFICERS CHOSEN?

This again is a question upon which informed opinion is much divided. The opponents of the system declare that the officers nominated under the direct primary are decidedly inferior in quality to those under the convention system. They are careful however to mention no names. The advocates

of the primary system, on the other hand, ask if it is true that Curtis, Miliken and Baxter have not been equal in courage, judgment and administrative ability to governors of the convention era. Opinion is also divided with regard to the quality of the legislature under the primary system. It seems that there are fewer dominating leaders in the legislature than in former years. It is more difficult to pass measures through the legislature at the dictation of one man or a few men. No one maintains that in recent years the legislature of Maine has been bossed or that it will obey orders. Persons interested in the passage of a measure can no longer "fix it up" with one or two men and know that its passage is assured. It must be admitted moreover, that much social welfare legislation, such as limiting the hours of labor for women, workingmen's compensation, and public utility regulations, have been put on the statute books by the so-called inferior legislators. The efficient state budget system is also a product of the direct primary era.

A majority of the state representatives are nominated without opposition. For example, eighty-five of the one hundred and fifty-one Republican candidates were thus nominated in 1922. These unopposed candidates are selected in the main by the same party committees and party influence that selected them under the convention system. When it comes to the selection of candidates for the sixty-six contested positions, the independent and unbossed candidate has a much better chance under the direct primary than under the convention system. A good illustration of the possibility, through the direct primary, of nominating an independent candidate in a contest with a leader of the organization is seen in the recent victory of

Nelson over Viles in the second Maine Congressional District.

(6) HAS THE EXPENSE OF RUNNING FOR OFFICE BEEN INCREASED BY THE DIRECT PRIMARY?

Reliable statistics on the amount of money spent under either the direct primary or convention system in Maine are not available. The direct primary law limits the amount that may be expended by the candidate, but requires him to make a return to the Secretary of State of the amount expended. Personal traveling expenses, postage and stationery, however, are exempted. The advantage to a candidate of meeting the voter personally in the primary campaign is obvious, and the wealthy candidate has an opportunity to spend a large amount for personal traveling expenses. It is doubtful whether candidates for the office of governor under the direct primary have spent any more for traveling over the state, than was spent by Governors Burleigh and Fernald in their thoroughgoing canvas of the state under the convention system.²⁷ Occasionally in Maine a contest between factions for the control of the state organization led to the expenditure of large sums for securing pledged delegates. It is probably true that more money is spent by the average candidate and less by the party organization under the direct primary than under the convention system.

(7) WHAT EFFECT HAS THE DIRECT PRIMARY HAD UPON POPULAR INTEREST IN NOMINATIONS?

A compilation and analysis of the statistics filed in the office of the Secretary of State shows that in the first Republican primary, (1902) 50.7 per

²⁷ See Sam E. Connor's account of Governor Fernald's thoroughgoing canvas of the state, in the Lewiston *Evening Journal*, June 13, 1908.

cent of the vote polled at the election was cast at the primary. It increased to 60.5 per cent in 1916, and to 73.3 per cent in 1922. It fell down to 41.9 per cent in 1918 when Governor Miliken was nominated without opposition. The highest proportion of the Democratic vote was cast in 1914, when with a real contest for the nomination, 42.2 per cent of the September vote was cast at the June primaries, while the lowest was only 13.6 per cent in the primary of 1922. The analysis of the vote for county officers shows that rarely does the local contest bring out a big party vote. A primary in which there is no contest for the higher positions, that is, governor, United States senator and representative to Congress, as a rule fails to arouse public interest. The experience with the direct primary in Maine shows that the people will not generally become interested in nominating men for comparatively insignificant offices. The direct primary functions less successfully in the selection of candidates for county positions than for state and federal positions, if we may judge from the popular interest manifested.

THE PRESENT STATE OF PUBLIC OPINION IN MAINE WITH REGARD TO THE DIRECT PRIMARY

Since the close of the World War a movement for the repeal of the direct primary law has been growing in Maine. The chief causes underlying the movement seem to be: First, the conviction in the minds of many that the direct primary has not sufficiently produced the betterment in government promised by its proponents; second, the reluctance on the part of many voters to go to the trouble of signing nomination papers and informing themselves regarding the qualifications of candidates to be voted on at the primaries; third, the natural hos-

tility toward the primary held by the old line politician who sees in the present state of public indifference and confusion, an opportunity to restore the old convention system; fourth, the reactionary swing of the political pendulum which tends to place under a ban of disapproval the progressive measures of the Rooseveltian era; and fifth, the conviction in the minds of a number of people that the principle of representative government is superior to the principle of direct democracy in party affairs.

The opponents of the direct primary were successful in securing the adoption of planks in both the Republican and Democratic platforms in 1922 for the repeal of the direct primary law, or at least the submission to the people of a bill to repeal the law. Since the April conventions however, the friends of the law have been making themselves heard especially in the rural districts and two of the leading organizations among the women of the state, the "League of Women Voters" and the "Maine Federation of Women's Clubs" have passed resolutions favoring the retention of the law. In the light of the growing opposition to the repeal of the law it is probable that the next legislature will consider modification rather than repeal. Many advocate giving the party conventions the power to indicate their choice of candidates whose names would appear, labeled as the convention's choice, on the ballot with others which have secured their places by means of nomination papers. It is probable that several minor changes looking toward the improvement of the primary law will be presented to the legislature. For example: the extension of the registration law to towns of two thousand and under; the inclusion of Portland in the enrolment law; dispensing with the primary election in all cases where there is no con-

test; and strengthening the corrupt practices act in its application to the direct primary.

When the voters of Maine in 1911 adopted the direct primary law, its more ardent proponents believed they were creating an almost perfect instrument of popular self-government. But having the limitations of all mere instruments, the direct primary did not operate itself, and many of the promised

benefits have not been fully realized. On the other hand, most of the disadvantages predicted of it by its opponents have not materialized; and it has not been the failure which its present opponents would have us believe. If the writer interprets public opinion correctly, the people of Maine must be convinced that something better is being offered them before they will give up the present direct primary law.

The Operation of the State-Wide Direct Primary in New York State

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SINCE 1906 the direct primary has been a lively issue in New York politics. Governor Hughes' strenuous efforts to pass such a law during his two terms (1907-1910) proved unsuccessful, but public attention was focussed upon the question to such an extent that the 1910 platforms of both the Republican and Democratic Parties contained planks advocating direct nominations, and in 1911 the Dix law passed the legislature. This law, however, established the direct primary only in congressional, judicial, state-senatorial and assembly districts, and in cities and counties, leaving the power of the state convention over the state-wide ticket untouched, and it was not until 1913 that the advocates of the direct primary in New York State succeeded in putting through a measure which extended the direct primary principle to state-wide nominations. In 1921, after having been used in four gubernatorial elections, the direct primary was abandoned and the convention restored for state-wide and judicial district nominations. It is therefore a fitting moment for some appraisal of the operation of the state-wide direct primary in that state.

ARGUMENTS FOR AND AGAINST THE DIRECT PRIMARY

At the time of its adoption many advantages were claimed for the direct primary, but the arguments in its favor may be summarized as follows: (1) that it would bring out a larger vote than an election for delegates to a nominating convention, and therefore

would be more representative and democratic; (2) that superior candidates would be chosen; (3) that the power of the "boss" and the "machine" would be broken or more easily opposed, and that the party organization would be made more responsible to the rank and file of the party.

The opponents of the direct primary, on the other hand, argued: (1) that the ballot would be crowded with the names of publicity seekers; (2) that it would complicate still more the already complicated task of the voter; (3) that it was expensive to both the state and the individual candidates; (4) that party unity and harmony would be impossible and that party responsibility would be destroyed.

What light, if any, does an eight years' trial of the direct primary throw upon the validity of these contentions? How far did it fulfil the claims of its supporters, and to what extent have the objections of its opponents proved well founded? A complete evaluation is impossible with the evidence available, but some interesting results are reflected.

NUMBER OF CANDIDATES

In the table on the next page is shown the number of candidates for the Republican and Democratic nominations for the seven important state offices.¹ It is at once apparent that the direct primary ballot was not crowded with the names of notoriety seekers; in no case were there more than three candidates for a nomination and most con-

¹ Compiled from the *New York State Legislative Manual*.

OFFICE	1914		1916		1918		1920	
	Rep.	Dem.	Rep.	Dem.	Rep.	Dem.	Rep.	Dem.
Governor.....	3	2	2	1	2	2	2	1
Lieutenant Governor.....	3	2	1	1	3	1	2	1
Secretary of State.....	3	2	1	1	1	1	2	1
Controller.....	3	2	2	1	3	1	2	1
Treasurer.....	1	2	1	1	2	1	3	1
Attorney General.....	2	2	1	1	2	1	1	1
State Engineer.....	2	2	1	1	1	1	1	1

tests were between two aspirants. On the other hand, does the fact that there were no contests whatever in thirty out of fifty-six cases, indicate that the direct primary was a mere farce at which the voters put their stamp of approval upon candidates already selected by the party organization? It is well known that throughout the period of the operation of the direct primary, the parties held unofficial conferences and drew up unofficial "slates" which were afterward put upon the ballot by petition. In no case did a nominee with the support of the party organization fail of nomination, although in 1916 Senator Calder, the Republican organization candidate, came dangerously close to losing the nomination. Now this may indicate that the direct primary utterly failed to break, or weaken, the power of the "boss," but it may also indicate that, recognizing the power which the direct primary put in the hands of the rank and file of the party membership, the "bosses" carefully felt the party pulse before making their choices. The mere fact that designations were made by unofficial conventions does not in itself indicate the breakdown of the direct primary; it is natural and advantageous that such should be the case. The only danger is that the party organization may be able to force its selection upon an unwilling party and it is difficult to see how, under the

direct primary, nominations could be forced upon a sufficiently unwilling party. No amount of primary legislation can change a "Barkis is willin'" attitude in a political party; all that it can hope to do is to provide a weapon with which the members of a party may protect themselves. The very fact that the weapon is possessed may be the reason why it is unnecessary to use it often.

INTEREST OF VOTERS

Figures showing the size of the vote at direct primary elections give us some indication of the amount of interest which is taken in the primaries, and are especially significant when they can be compared with the vote for delegates to nominating conventions. In New York the latter figures are available for 1912 only. It is unfortunate that we have not the figures for 1922 also, to give us some indication of the degree of interest displayed since the return to the convention system, but these have not yet been compiled.²

In the table on page 145, the total vote cast for delegates to the state conventions in 1912 and the total primary vote for governor, 1914-1920, have been compared to the total vote for governor at the general elections, 1912-1920. In addition, the three following typical groups of counties have been taken for more intensive study: (1) the

² November, 1922.

five counties of New York City; (2) five other *urban* counties; (3) ten of the larger *rural* counties. To the most casual observer two things are apparent from the table on page 145: (1) Only a small proportion of the people voting at general elections voted in the party primaries; (2) a larger number voted in the *direct* primary than voted for delegates to party conventions in 1912. The small size of the direct primary vote has been a distinct disappointment to those ardent advocates of direct nominations who were convinced that it would mean the democratization of the party. In so far as any trend is indicated by these figures, they would seem to be even more discouraging, for they show a decreasing rather than increasing interest in party nominations. Upon closer analysis, however, it appears that several factors other than declining interest may have entered into the decreasing primary vote. It must be remembered that the years 1912-1914 marked a high water level in interest in party affairs because of the Progressive movement; this was followed by a "slump" in the interest of the rank and file which was naturally reflected in the primary vote. Then, too, it must not be forgotten that the enfranchisement of women brought a new element into the parties in 1918. It is well known that fewer women than men vote. In New York City in 1918 only 40 per cent of those registering were women; in 1920 only 36 per cent. Is it also true that women are even more unlikely to vote in the primaries than in the general election? This has been the case in Illinois and it is reasonable to suppose that it is also true in New York.³

³ In the 1915 election for mayor of Chicago 33 per cent of the votes in the primaries were cast by women, while 37 per cent of those cast in the final election were cast by women. See Grace Abbott, *Are Women a Force for Good Government?* in 4 *National Municipal Review* 437.

The see-saw nature of the primary figures may perhaps be explained by the fact that 1916 and 1920 were presidential years, and in those years many people are drawn to the polls by their interest in national affairs who also cast a vote for governor, although they have not voted in the primaries and would not participate in a purely state election. It may also be explained by the fact that in those years there were no important contests in the Democratic Party.

An interesting point brought out by these figures is that the rural counties show a consistently higher primary vote than the cities. Apparently the farmers are not going to permit themselves to be ruled by city "bosses" if they can help it.

On the whole, these figures show a disappointing lack of interest in direct nominations, but the direct primary enthusiast may gather some comfort from the fact that they do indicate appreciably more interest in the direct primary than in the 1912 election for delegates to the state conventions. And every gain in popular interest in party affairs is of importance, for the larger the number of people participating in party primaries, the greater the likelihood that nominations will represent the real sentiment of the rank and file of the party membership.

COMPARISON BETWEEN REPUBLICAN AND DEMOCRATIC VOTE

A separate analysis of the primary vote of each of the two major parties, 1916-1920, shows a decidedly larger vote in the Republican than in the Democratic Party. In the table on page 146 are given the Republican and Democratic vote for governor at the general election and at the direct primary, and the percentage of the primary vote to the general election vote, 1916-1920.⁴

⁴ Compiled from the *New York Legislative Manuals*.

TABLE SHOWING THE TOTAL VOTE CAST FOR DELEGATES TO STATE CONVENTIONS, 1912, AND THE TOTAL PRIMARY VOTE FOR GOVERNOR 1914-1920, TOGETHER WITH THE TOTAL VOTE FOR GOVERNOR AT THE GENERAL ELECTIONS, 1912-1920, AND THE PERCENTAGE OF THE PRIMARY TO THE GENERAL ELECTION VOTE⁵

COUNTY	1912			1914			1916			1918			1920		
	Vote for		%	Vote for Governor at		%	Vote for Governor at		%	Vote for Governor at		%	Vote for Governor at		%
	Delegates to State Nominating Conventions	Governor at General Election		Direct Primary Election	General Election		Direct Primary Election	General Election		Direct Primary Election	General Election		Direct Primary Election	General Election	
Total—All Counties	223,636 ⁶	1,345,771 ⁶	16	502,205	1,486,875	34	477,572	1,715,768	28	653,825	2,195,441	30	580,031	2,962,645	20
New York City (including five counties)	129,108	672,106	19	207,741	623,422	33	186,190	714,766	26	230,054	961,437	24	216,999	1,297,110	17
Five Urban Counties Other Than N. Y.	39,972	227,133	17	97,286	263,243	37	92,538	299,713	31	129,063	377,974	34	111,045	514,253	22
Albany	12,145	38,677		20,006	45,274		22,258	46,393		29,472	65,612		22,458	80,990	
Erie	6,653	95,215		35,735	95,156		31,634	109,993		37,424	123,125		38,512	169,809	
Oneida	2,689	23,546		9,302	30,531		11,860	36,556		17,285	45,819		10,652	57,677	
Onondaga	10,783	33,188		15,171	43,055		9,665	50,738		25,457	68,520		16,700	90,797	
Westchester	7,702	36,507		17,072	49,227		17,121	56,033		19,425	74,898		22,723	114,980	
Ten Rural Counties	24,308	113,792	21	43,914	133,342	33	46,825	142,868	33	83,592	194,815	43	62,679	260,341	24
Cattaraugus	1,494	11,042		4,429	12,729		3,733	16,661		8,949	16,792		6,586	25,101	
Chautauqua	3,821	15,317		5,679	18,429		7,359	24,132		13,396	25,679		10,905	40,207	
Delaware	1,776	8,045		2,092	9,274		3,767	11,770		6,315	14,739		4,941	16,957	
Jefferson	1,381	12,909		4,635	14,796		5,525	19,436		6,371	23,133		8,125	31,904	
Montgomery	4,861	10,560		5,089	11,448		6,088	12,161		5,562	16,094		5,718	20,441	
Ontario	1,244	10,072		3,822	10,580		3,482	13,229		7,023	16,674		2,837	20,488	
St. Lawrence	1,321	12,865		5,430	16,734		11,080	20,071		8,774	23,386		4,780	33,431	
Saratoga	2,965	11,635		5,180	13,310		7,099	14,086		8,287	20,773		9,574	24,516	
Steuben	4,470	13,409		2,845	15,136		4,337	19,792		11,227	23,931		4,582	28,873	
Washington	975	7,938		4,713	10,906		5,435	11,601		7,688	13,614		4,631	18,423	

⁵ The figures for votes cast for delegates to the state conventions, 1912, and the primary figures for 1914-1918 are from data compiled by Mr. W. E. Hannan, Legislative Reference Librarian, New York State Library, with the addition in 1912 of the figures for New York County, not there included. The general election figures and the figures for the primaries of 1920 are from the *New York Legislative Manual*.
⁶ Seventeen counties lacking.

YEAR	REPUBLICAN			DEMOCRATIC		
	General Election	Primary Election	Per Cent of General Election Vote	General Election	Primary Election	Per Cent of General Election Vote
1916.....	835,820	298,897	36	686,862	158,718	23
1918.....	956,034	414,350	43	1,009,936	232,513	21
1920.....	1,335,878	414,003	31	1,261,812	166,028	13

These figures would seem to indicate that the more complete the control of the “organization,” the less the popular interest in the primary; certainly the Democratic “machine” remains intact. It should be pointed out, however, that the Democratic Party was particularly fortunate during this period in the selection of its standard bearers.

TYPE OF CANDIDATES SELECTED

This brings us to a consideration of the type of candidate selected during the operation of the direct primary. It is unfortunate that it has been impossible to make an exhaustive study of candidates for nominations; but a glance at the names of the contestants for the more important state offices indicates that the direct primary accomplished no revolution in the type of candidate and that the general average was as high as under the convention system.

EXPENSE OF DIRECT PRIMARY

The opponents of the direct primary made the objection that it would be expensive to both the candidates and to the state. When one looks for evidence on this point one is somewhat at a loss. Candidates were required to file statements of their expenditures, but these were carelessly drawn and sometimes intentionally misleading. No doubt large amounts were spent by some candidates,⁷ but that lavish ex-

penditures won the nomination is not so apparent. No more satisfactory data are available in regard to the cost to the state. In 1918 a special committee of the New York Senate compiled figures showing the cost of primary elections, 1914–1917, to have been about one dollar per vote. By themselves, however, these figures are not significant; for the repeal of the direct primary means the substitution of an election for convention delegates, and it is difficult to see how this election could be conducted with less expense than the direct primary.

CONCLUSIONS

In conclusion, it may be said that the results of the operation of the statewide direct primary in New York State were largely negative: it did not fulfil the prophecies of its enemies, neither did it meet the expectations of its most ardent advocates. It did not result in a ballot crowded with the names of mere publicity seekers, and it did not destroy party harmony or responsibility; the work of the voter was no more complicated than under a convention system requiring the election of several sets of convention delegates, and it is doubtful whether the financial objections can be sustained. On the other hand, it did not result in a vastly greater degree of interest; the power of the “machine” was not broken, and no striking change was effected in the type of candidate. The

⁷ See H. Feldman, *The Direct Primary in New York State*, 11 *American Political Science Review* 494.

only positive results were a slight increase in popular interest and a slightly greater degree of responsiveness on the part of the leaders to popular demands.

These are intangible results perhaps, but very important ones, and in the opinion of the writer they were sufficient to warrant a longer period of trial.

The Workings of the Direct Primary in Iowa, 1908-1922

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THE law authorizing direct primary elections in Iowa was passed in 1907, after a period of five years of agitation and debate, both in and out of the General Assembly. Its passage was heralded as one of the big achievements of the progressive wing of the Republican Party in Iowa. The first trial of the system was made in 1908, the year following its enactment. In the fourteen years which have elapsed since the enactment of the law it has been used eight times, and it is therefore possible to draw some fairly accurate conclusions as to its workings.

PROVISIONS OF THE IOWA PRIMARY LAW

The Iowa law is compulsory and state-wide for all state and local officers (except judicial and municipal offices) filled by popular vote at the general election. Candidates for United States senators and congressmen are chosen at the primary; and presidential electors, delegates to the county convention, and precinct party committeemen are elected by the primary voters.

The primary in Iowa is conducted as a regular election. The voter's oral choice of ballot, of which a record is made, determines his party affiliation. Party affiliation, however, may be changed by filing a declaration of change with the county auditor ten days prior to the primary election, or by taking an oath, if challenged when offering to vote, that one has in good faith changed his party affiliation.

Other provisions relative to the manner of filing nomination petitions and the like need not be given here. The names of the candidates for United States senator and state offices are placed in alphabetical order in the county in which the party they represent cast the largest vote at the preceding general election; in the other counties a system of rotation is employed so that each candidate will appear first among those seeking nomination for the same office as often as the rotation system permits. The successful candidate must receive 35 per cent of his party vote, cast for the office he seeks in order to be nominated.

NUMBER OF CANDIDATES

At the time of the enactment of the Iowa primary law it was predicted that, owing to the large number of office seekers, the voters would be so confused and disgusted that the system would not accomplish its purpose.

By reference to the table, p. 150, it will be seen that out of the eight offices there listed, only four times have more than four candidates been offered for any office. Nominations for the office of United States senator have been made six times under the primary law, but only once (during the war) has the nomination been uncontested in the Republican primaries. Never before 1922 have there been more than two candidates. The campaign for the nomination of United States senator in the Republican primary of 1922 attracted nation-wide attention and

has been one of the chief causes for the renewed agitation against the primary law.

In 1920 Colonel Smith W. Brookhart contested with Senator Cummins for the Republican nomination, making his campaign largely in opposition to the Esch-Cummins railroad law, and certain phases of the Federal Reserve Act. He was unsuccessful, but polled nearly one hundred thousand votes. When Senator Kenyon resigned early in 1922 Mr. Brookhart promptly announced himself as a candidate.

The leaders of the Republican Party organization characterized Mr. Brookhart as radical and dangerous, and sought to checkmate his ambition to go to the United States Senate. It is asserted that the organization leaders encouraged numerous candidates to enter the field in the anticipation that no one would receive the necessary 35 per cent of the vote cast, and thus leave the convention free to name the candidate. Much to their surprise and chagrin however, Mr. Brookhart, in a field of six candidates, carried seventy-six of the ninety-nine counties of the state, ran second in all the rest but two, and won the nomination by 42 per cent of the vote.

When the state convention of the Republican Party met following the primary, the "standpat" wing of the party was in complete control, and they took the occasion to show their dislike of the man who had made his own platform and won the nomination without their approval. The convention refused to call upon Mr. Brookhart for a speech, or to indorse his candidacy; demanded the repeal of the primary, and inserted a plank against socialists and demagogues.

One of the organs of the "standpat" element, speaking editorially of the platform, said, "It turns down every plank which the radicals had proposed

and endorsed almost everything to which they objected. . . . It is the voice of the people speaking through their accredited representatives chosen by the primary to attend the state convention and it adequately and correctly represents the views and wishes of the Republican voters of this state." Again the same paper declared that, "the last so-called Republican primary was a rank fraud and the candidate for United States senator was dishonestly nominated." It is somewhat difficult for an impartial student of politics to see how the candidate was "dishonestly nominated" while the delegates who made up the county conventions (which in turn select the delegates to the state convention) who were voted for at the same time were "the voice of the people." Most of the people who voted in the primary were interested in the contest for the senatorship and not in delegates to the county convention.

Competition for nominations to state offices has been healthy in the Republican primaries. In eight primaries there have been twenty-one candidates for the nomination for governor: only twice has the primary been without a contest for this office in the Republican Party. The least contested office has been that of state treasurer (*see* table, p. 150). Seven candidates for the nomination to the office of state superintendent of public instruction is the largest number so far offered for any one state office in the primary.

THE SIZE OF THE PRIMARY VOTE

One of the objections frequently urged against the primary in Iowa is that so few turn out to vote. The number of candidates for nomination at the primary does not necessarily determine the size of the vote, though

TABLE SHOWING NUMBER OF CANDIDATES FOR U. S. SENATOR AND STATE OFFICES AND TOTAL NUMBER OF VOTES CAST IN PRIMARY FOR EACH OFFICE, 1908-1922

NAME OF OFFICE	REPUBLICAN PRIMARIES								DEMOCRATIC PRIMARIES							
	First Primary 1908	Second Primary 1910	Third Primary 1912	Fourth Primary 1914	Fifth Primary 1916	Sixth Primary 1918	Seventh Primary 1920	Eighth Primary 1922	First Primary 1908	Second Primary 1910	Third Primary 1912	Fourth Primary 1914	Fifth Primary 1916	Sixth Primary 1918	Seventh Primary 1920	Eighth Primary 1922
U. S. Senator	No. of candidates.....	2	2	....	....	1	2	6	1	....	1	....	....	1	1	1
	Total vote	201,205	189,680	....	....	127,960	212,331	323,650	49,533	....	57,893	....	....	36,818	38,515	49,929
Governor	No. of candidates	3	3	3	4	1	4	1	1	3	2	2	1	1	1	1
	Total vote	181,863	181,219	142,596	227,863	127,753	213,186	286,518	50,065	47,552	57,370	73,776	74,791	39,161	38,063	47,366
Lieutenant Governor	No. of candidates	3	2	2	3	1	4	1	1	1	1	2	1	1	1	1
	Total vote	173,898	156,273	163,890	199,895	120,293	192,748	244,772	47,983	47,591	54,941	69,171	72,135	36,834	36,855	46,712
Secretary of State	No. of candidates	1	1	3	2	4	2	2	1	1	1	2	1	1	1	1
	Total vote	162,652	153,161	164,335	197,330	128,828	189,554	281,365	47,876	46,724	54,487	70,002	72,041	36,799	36,129	45,550
State Auditor	No. of candidates	2	1	4	1	1	4	1	1	1	2	2	1	1	1	1
	Total vote	168,041	150,840	163,085	185,447	121,913	186,963	244,365	47,520	47,202	52,599	67,551	72,429	36,344	36,310	45,940
State Treasurer	No. of candidates	1	1	1	3	2	2	2	1	1	1	2	1	1	1	1
	Total vote	161,966	149,425	156,543	190,988	118,864	184,039	263,682	47,826	46,828	54,503	67,532	72,109	36,140	36,401	45,654
Attorney General	No. of candidates	1	3	1	6	1	3	1	1	2	1	1	1	1	1	1
	Total vote	159,152	152,774	151,396	197,760	111,025	187,415	243,611	47,510	44,074	54,593	64,496	70,733	36,492	35,977	45,584
Superintendent of Public Instruction	No. of candidates	2	7	1	....	4	....	3	2	1	1	....	....	1	....	1
	Total vote	164,069	148,824	148,521	....	117,912	....	277,489	43,900	46,675	53,876	....	....	35,004	....	44,886

as a rule contested nominations poll a larger vote than uncontested ones (*see* table, p. 150, bearing in mind that women have not voted in the primary elections of Iowa prior to 1922). According to table on page 150 it is evident that presidential election years seem to bring out more candidates for state offices than do the off years, and the number of votes cast seems to rise and fall accordingly in Republican primaries.

Thus it would appear that national politics stimulate an unusual interest in Iowa. This has been especially in evidence in the primary of 1922. In the general election of 1920 Senator Cummins received 528,499 votes while Governor Kendall received but 513,118. In the primary of 1922 Governor Kendall sought renomination and though unopposed, he received over 43,000 more votes than the lowest ranking candidate on the state ticket and 5,000 more than the next highest. Yet the Governor fell 37,000 votes short of the total vote cast for the six candidates for the office of United States senator. Thus 61 per cent of the Republican vote cast for Senator Cummins in the general election of 1920 was voted at the primary to nominate a successor to Senator Kenyon; while only 55 per cent of the vote cast for Governor Kendall in 1920 was polled for him in the primary election of 1922. During the past fourteen years, the office of governor has polled on the average about 70 per cent of the vote cast for the office in the general election, while the percentage for the minor state offices has varied from 60 to 65 per cent. The percentage in 1920 was very low, being only 41 per cent for governor and as low as 31 per cent for some of the minor state offices; this is easily explained, however, by the fact that the women voted in the general election of 1920 but not

in the primary of the same year. In like manner the high percentage of 1912 (98 per cent for governor) is explained by the split in the Republican Party through the organization of the Progressive Party after the primary had been held. Normally, only from 65 to 70 per cent of those eligible have voted at the general elections, and the aversion of many to making a declaration of party affiliation no doubt keeps a large percentage of those who vote at the general election from voting in the primary.

IS THE VOTING INTELLIGENT?

Granting that it would be highly desirable to have a larger percentage of the voters participate in the primaries, what evidence is there to support the charge frequently made that most of those who do vote, vote unintelligently? The alphabetical arrangement of names on the ballot always favored those of the top of the list. To remedy this situation, the system of rotation referred to above was adopted. It is now said that candidates for nomination, knowing in advance the counties in which their names will be at the head of the list, devote their campaign energy to the other counties, feeling assured that wherever their names are first they will win without effort. The writer has no data at hand to either prove or disprove this assertion. No doubt many electors will vote for the candidate at the top of the list when all are wholly unknown to them. But where the issue has been made clear to the voter, as in the primary campaign for United States senator in 1922, a consciousness of purpose in voting seems evident. That one candidate in a field of six should get 42 per cent of the vote cast and carry seventy-six out of ninety-nine counties cannot be attributed to place on the ballot or to chance.

The total primary vote tends to diminish from the top of the ballot downwards, though contests usually raise the rank of the office above its position on the ballot.

The fact seems evident that the public is not greatly concerned about who is nominated for the minor state offices; and so unless the candidates for these offices are well known in the state or conduct a vigorous publicity campaign, the voter is apt for want of knowledge, to cast his vote for the one at the head of the list or pass the office altogether. The fact that thirty-seven thousand more persons expressed a choice among the six candidates for United States senator in 1922 than voted for governor is evidence that the campaign for the senatorship had impressed itself upon the mind of the voter, whereas the nominations for state offices with but three contests for minor offices failed to impress them.

PRIMARY CAMPAIGN EXPENSES

The opponents of the Iowa primary law frequently speak of it as an expensive institution, which makes it impossible for men without means to become candidates for office. Campaigning for the nomination for a state office if contested, is largely a matter of advertising, since the candidates can meet personally but a small percentage of the voters. Some newspapers, however, will give considerable publicity to "pet" candidate which is not paid for as political advertisement.

The law of Iowa requires candidates to file a statement of campaign expenditures in both primary and general elections within ten days after such elections; but there is no limit upon the amount which he may spend.

The cost of candidacy is often very large—larger than the candidates can afford. It is doubtful if all candidates report their expenditures. The Demo-

cratic candidates for state offices seldom spend much money nor do they spend much in the congressional districts which are solidly Republican; but there are one or two congressional districts in which a Democrat feels that he has a fighting chance and in those he may spend a few hundred dollars. In the Republican primary campaign for the nomination of United States senator in 1922, six contesting, the smallest amount reported as spent was \$118.68, while the largest amount was \$6,869.88. The successful candidate reported \$453.98 of which he claimed the Spanish War Veterans contributed \$112, his home town \$75, and the remainder represented his personal expenditures. He, however, had the active support of the most influential farm paper in the state and got a large amount of publicity, which would have cost a great deal if it had been paid for as political advertisements. The other candidates spent about \$3,000 each. The governor seeking renomination and uncontested, reported having spent \$110.18, while the Secretary of State seeking renomination, but contested, spent \$1,511.04. In many instances candidates for nomination to local offices or that of state senator or representative report no expenditures at all of less than \$25. Contests, of course, invite large expenditures, but that was also true under the caucus and convention system.

THE CHARACTER OF CANDIDATES

The question whether the primary keeps the best men out of office because they are unwilling or unable financially to enter a primary campaign; or whether the candidates nominated by the primary are no worse than those chosen under the convention system, are questions upon which it is difficult to get trustworthy data. The people have made serious

mistakes at times in selecting candidates by the primary system; nor did the convention system pick all good men.

EFFECT OF THE PRIMARY UPON PARTY ORGANIZATION

There is much evidence going to show that the primary has not been a menace to party organization. Indeed, party organization really controls the primary election to a considerable extent. In theory, anyone is free to circulate his own petition and contest any nomination; but in practice, it is usually futile to oppose the organization slate unless public sentiment is aroused, as was the case in the senatorial primary of 1922. The failure of the organization to control at all times is one of the chief causes for the demand for the repeal of the law by it.

Iowa is essentially a one-party state and a glance at the table on p. 150 suggests that it is no mere accident that the Democrats in Iowa have had no primary contests for state offices since 1914. The party organization makes up the slate of those who are to represent the party in the primary and where there are no contests it is a foregone conclusion that those persons will also represent the party in the general election. In 1920, the writer succeeded in getting primary ballots from sixty-eight of the ninety-nine counties of the state. These ballots showed that the Democrats had no candidate in the primary for more than 50 per cent of the county offices, while for 50 per cent of the county offices only one candidate appeared in the Republican primaries. On the other hand, the Republicans were without any primary candidate for fifty-one county offices in the sixty-eight counties, and the Democrats were without any for two hundred and eighty-four offices. The figures for the Republican

Party, however, do not appear so bad when it is said that the office of coroner appeared thirty times of the fifty-one offices without primary candidates. This office is without salary and few fees in the majority of the counties of Iowa, and consequently sought only in the more populous counties.

There were three hundred and seventy offices out of five hundred and forty-four with only one candidate, or no candidate in the Republican county primaries and five hundred and seventeen in the Democratic primaries in the sixty-eight counties referred to above.

Thus it is apparent that in the primaries of the year 1920, most of the county offices, even in the majority party primaries, were uncontested, indicating either that the party organization had fair control of the situation or that there was general lack of interest in public offices. Instances have come to the attention of the writer where the two-party organizations, in counties where the parties are nearly equal, have divided up the offices—each organization agreeing not to put in nomination any one for certain offices, thus assuring the election of the bi-partisan slate.

IRREGULARITY OF PARTY VOTING AT THE PRIMARY

The Iowa primary is a closed primary; as indicated above the voter must make a declaration of party affiliation and he receives a party ballot. But why is the Democratic vote so small? Why is the percentage of Democrats voting in the primary so much smaller than that of the Republicans? On the average the Democrats cast only about 30 per cent of their general election vote in the primary. Are the Democrats participating in the Republican primaries and helping to name the Republican

candidates? This is the charge that the opponents of the primary are constantly making. It is probably true that others than Republicans participate in Republican primaries. The Democrats, being the minority party, having fixed their slate in advance of the primary, and having no contests for state offices, have little incentive to bring their party voters to the polls. The Socialist, Farmer-Laborer, and Socialist-Labor Parties combined, cast a little more than twenty-eight thousand votes for presidential electors in Iowa in 1920, while only the Socialist Party offered candidates in the primaries of the same year and their maximum vote cast in that primary was seven hundred and ninety-one. It is altogether likely that some of these, attracted by the occasional lively contests in the Republican primaries, have participated therein. But the fact that the percentage of the general election vote cast by the Democrats in their own primaries has remained fairly constant throughout the entire period in which the primary has been in operation, convinces the writer that the Democrats do not make a general practice of entering Republican primaries.

In the Republican primary of 1922, the six candidates for the nomination of United States senator received a total of 323,650 votes, while the head of the state ticket received but 286,518. It is therefore evident that some thirty-seven thousand voters entered the Republican primaries and expressed a choice on United States senator and nothing else. It has been too generally assumed that these thirty-seven thousand votes were not Republicans. In this the writer cannot concur, because the total primary vote for senator was 61 per cent of the vote cast for Senator Cummins in 1920 and 63 per cent of the vote cast

for Governor Kendall in the same election. The office of governor has on the average polled about 70 per cent of the party vote, while the other state offices have averaged from 61 to 65 per cent. Governor Kendall being unopposed in 1922 and the center of political interest being in the contest for the senatorship, he fell far below the average percentage of the party vote which the head of the state ticket usually gets — receiving only 55 per cent of his general election vote of 1920. These facts convince the writer that the Republican primaries of 1922 were not overrun with outsiders.

NOMINATION BY CONVENTION

Does the primary accomplish its purpose as a popular nominating system? Only three times out of eight have all the nominations been made at the primary; that is, the successful candidates received 35 per cent of the vote cast for the office sought. But never before 1920 was there more than one state office at any one primary which failed to get the requisite vote. In 1920, however, the primary failed to determine the nomination of five out of seven offices. Every nomination for which there were more than two candidates went to the state convention. The primary law leaves the convention free to make a nomination wholly outside of the contestants in the primary, but as a matter of practice, this has never been done. Nor have the state conventions adopted the policy of selecting the high man in the primaries; on the contrary, in five times out of eight they have not done so.

REPUBLICAN OPPOSITION TO THE PRIMARY

Most of those who originally opposed the adoption of the primary law in

Iowa are still opposed. Their newspapers welcome every attack upon the primary and continually demand its repeal or suggest such amendments as would practically nullify it. In the past two years the attacks upon the primary system in Iowa have been more vigorous than ever before.

The Republican State Convention in 1920 declared that,

Actual experience has demonstrated that great evils have arisen in the use of the present primary law of this state. It has been given a fair trial and found to be unwieldy, expensive, and unsatisfactory. We favor its repeal and the substitution therefor of such primary legislation as will guarantee to all voters the full right to take part and be heard in the councils of their party, and will provide for them an opportunity for free and fair expression as to both candidates and measures.

In the General Assembly of 1921 the Republican Party had almost complete control; out of fifty senators, forty-eight were Republicans and of a hundred and eight members of the lower house, one hundred and one belonged to the Republican Party. Yet the Assembly adjourned without having touched the primary law.

The Republican State Convention in 1922 declared that it "emphatically" reaffirmed the declaration of 1920 respecting the primary law and added:

In the event, however, that the General Assembly shall not comply with this demand for a substantial revision of our nominating system, then we instruct the Republican State Committee in calling the state convention for electing delegates to the next Republican national convention, to call such state convention for a date not later than February, 1924, and to include in the call therefor, as a part of the business of that convention, the duty of indorsing candidates for senator, governor, and other state officers to be supported by the party as a party in the ensuing primaries; and the state committee shall at the same time

prescribe suitable rules for a fair and free choice of delegates to such state convention under republican auspices and by republicans only.

At the present writing no one seriously believes that the legislature of 1923 will materially change the primary law.

The reason for this difference between party declaration and legislative action is easily told. The primary law sought to preserve the party organization and make it subject to popular will. It therefore provided for both county and state conventions to be assembled subsequent to the primaries, for the purpose of naming candidates where no one received the requisite 35 per cent or where vacancies occurred, and for the purpose of drafting a platform of party principles. For the selection of delegates to the county convention the law provides that, "The requisite number of names of candidates of his choice for delegates to the county convention to which each precinct is entitled, shall be written or pasted with uniform white pasters on the blank lines upon the ballot by the voter while in the booth." Also, "One member of the county central committee for each political party from each precinct shall be elected."

In practice very few voters find themselves able, on the spur of the moment, to write out a list of from ten to twenty names of persons whom they know to be residents of the precinct and members of the party designated. The result is that the party organization or some of its members distribute lists of delegates and candidates for party committeemen printed on gummed paper, in practically every voting precinct. The voter obediently licks this gummed slip of hand-picked delegates and pastes it on the proper place on the ballot,

without knowing who they are or for what they stand. The delegates thus chosen in the several voting precinct make up the county convention, and the county convention in turn chooses the delegates to the state convention. Thus the party organization perpetuates itself and may often be altogether out of accord with the mass of the party voters.

The voters seem to show an interest in candidates for office, especially if there are contests; but seem to fail to realize that in case the primary fails to nominate a candidate, the selection will fall to a group of delegates picked by a mere handful of men.

The declaration in the Republican state platform demanding a repeal of the primary does not, as far as the observation of the writer goes, represent the popular sentiment in Iowa. Outside of the so-called "old guard," one hears more demands for open or non-partisan primaries than for repeal. The Democrats, though a minority party, have declared strongly in their last two platforms in favor of the primary. The progressive wing of the Republicans favors it and the League of Women Voters has recently expressed its disapproval of any attempts to repeal the primary system in this state.

PROPOSED CHANGES IN THE IOWA PRIMARY LAW

It would be as hard to find a substitute for the primary election as it is to find a substitute for the jury system. Both have their faults, and both can be improved.

The time of holding primary elections in Iowa is unfortunate. The first Monday in June is one of the hardest times of year for a farmer to leave his work and consequently the rural vote is usually small. Again, the interval between the primary and the election is altogether too long.

The issues of the primary are either forgotten by November or the people are weary of a long drawn-out campaign. The early part of September would be the best time for holding a primary in Iowa.

Some of those who talk primary election reform in Iowa advocate the short primary ballot; by which they mean permitting the voters to nominate candidates for United States senators, congressmen, governor, lieutenant governor and local officers, the candidates for the rest of the state offices to be nominated by the state convention. It is doubtful if such a proposal would receive much popular endorsement.

Both the advocates and the opponents of the primary system seem to be agreed that the 35 per cent rule should be changed. The first group would adopt the so-called "high man" rule, while the latter insist upon majority nominations. Majority nominations being difficult to obtain when more than two candidates are in the field, it would be necessary to have a second primary or throw the nomination to a convention.

Opponents of the present law want to make the test of party affiliation more rigid. They advocate registration for the primary, and would permit no change in party affiliation to be made, unless made anywhere from thirty days to six months before the primaries. The woman voter has made such a proposition impossible. As far as the writer is informed, the women of Iowa are more interested in open or non-partisan primaries than in more rigid tests of party affiliation.

A provision limiting by law the amount of money which one may be permitted to spend in a primary contest, would be wholesome and would no doubt overcome much criticism now directed against primary election expenditures.

Probably one of the most unsatisfactory features of the Iowa primary law is the unrepresentative character of the conventions called by its authority. The inability of the average voter to name lists of delegates to the county convention or to pass judgment on the lists submitted to him by the party organization on primary day, has been mentioned above. If the convention is to be retained, the delegates should be named in advance of the primary in order that the voter may have an opportunity to know who they are; but of course if the "high man" rule were adopted, the convention would be shorn of all power except filling vacancies and drawing up the party platform.

The so-called Hughes plan is largely condemned because it has been advocated in Iowa by those who have been hostile to the primary system. The suspicion grows that the reactionaries would like nothing better than the ability to name all candidates in a convention and give them first place on the ballot bearing the party endorsement. Popular candidates without an organization endorsement would appear as "scabs" and irregular and would have difficulty making

much headway against such odds as these.

CONCLUSION

It is the writer's belief that we should proceed slowly in making any changes which will reduce the power of the voter, especially so in as much as the electorate has been doubled by the adoption of the nineteenth amendment. The women of Iowa should be given ample opportunity to become familiar with the workings of the primary system before radical changes are made. The fact that a particular candidate nominated at the primary is not acceptable to the organization leaders is no reason for overthrowing the system by which he was nominated. Moreover, too rigid a test of party affiliation is more apt to keep the honest and conscientious from the polls than the venal and corrupt; thus reducing the percentage of those who participate in the primary. In such a case we would probably witness worse abuses than those now complained of.

Perhaps we would have more confidence in the demands for the repeal of the primary system if they did not come so consistently from those who have suffered disappointment under it.

The Operation of the Richards Primary

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UNDOUBTEDLY the most unique primary law on the statute books is that of South Dakota, known as the Richards primary. In the words of its author, "it differs from primary laws of other states in that it retains the representative convention system in proposal of party platform and candidates; also differs in making principles, instead of persons, . . . the paramount issue; . . . it provides a free proposal system to raise, join, discuss and elect the paramount issue for party platform and nominations of candidates."¹

In an attempt to provide for a more effective expression of public opinion in the selection of a party's candidates and issues, and to secure in general more responsible party government, the Richards law includes several features that are decidedly novel; the proposal of candidates and issues by representative conventions, the emphasis on the "paramount issue," the scheme of public joint debates, the postmaster primary, the attempt to apply the merit system in appointments and the party recall.

The law has been denounced as freakish,² unworkable, unduly expensive, destructive of party organization and discipline, and productive of political turmoil. Since its first adoption through the initiative and referendum in 1912, it has been subjected to almost continuous assault by the state legislature and the party machine,

¹ Statement by R. O. Richards, in *Sioux Falls Argus-Leader*, Aug. 8, 1921.

² The precinct elections of the last primary campaign were referred to as "the first act of the Sunshine Follies of 1921-22."

but has received the sanction of popular approval at the polls on four separate occasions.³ It has now been in operation during three primary campaigns—those of 1913-1914, 1919-1920, and 1921-1922,⁴ and it may therefore be in order to inquire into its working.

PARTY ORGANIZATION

Party Membership.—Although the Richards primary is of the closed primary type, the test for party membership "does not amount to a continental as a restriction," as was remarked by one of the South Dakota newspapers. The test provided is that of present affiliation, a voter being merely required at the polls to declare his party allegiance "in a distinct and audible voice," and, if challenged, to state under oath that he is "in good faith" a member of that party and a believer in its principles "as declared in the last preceding national and state platforms."

The Republican Party being the normally dominant party in South Dakota, there is regularly a lively contest for its nominations, and just as regularly comparative quiet within the other parties. In 1922, for example, Mr. Louis N. Crill and Miss

³ In 1912, 1914, 1918, and 1920. In 1916 the law failed by a small majority to secure popular approval. For a sketch of these events in the adoption of the law, as well as for a summary of its salient provisions, see an article by the writer on "The Richards Primary," in *Am. Pol. Sci. Rev.*, XIV, 93-105 (Feb., 1920). The law may be found in Session Laws of South Dakota, 1916-1917, Ch. 234; or in the Revised Political Code, 1919, Sections 7097-7200.

⁴ In amended form in the last case, however.

Alice Lorraine Daly were unopposed for the Democratic and Nonpartisan League nominations respectively for governor. Within the Republican Party, however, there was a bitter contest between Governor McMaster, representing the regular party organization, and the picturesque George W. Egan, posing as the champion of the people against the machine. Consequently, there were frequent suggestions and even open appeals that Democrats and Nonpartisan Leaguers participate in the Republican primaries in order to "smash the machine." Apparently an effort was made to interpret the loose provision noted above in such a way as to prevent this, the Attorney General (and at least one state's attorney) issuing a statement in which he called special attention to the penalties for illegal voting at the primary.⁵

In reply, it was pointed out that under the law "a voter who was a Democrat yesterday may legally be a Republican tomorrow. In reality there is no distinction between the parties save in name alone. A voter is neither a poor citizen nor a poor sport who chances to change from the Democratic primaries to the Republican primaries, because in his belief he can perform better the obligations he owes the state."⁶ One of the leading newspapers of the state likewise declared very bluntly that "any Republican, any former Democrat, any former Nonpartisan Leaguer may go into the primary election on March 28 and demand a Republican ballot, vote that ballot and have it counted. If the right of an applicant to vote the Republican ticket is challenged, with

a view of intimidating the voter, it is only necessary for the challenged person to declare himself or herself a Republican. The desire and intention to vote the Republican ticket at that particular time makes the voter a bona fide Republican. There is no other test that need concern the conscience of the voter. There is no other clean-cut division between the parties except that demonstrated in the balloting."⁷

In the following primary of March 28, 1922, the Republican vote for governor in Minnehaha County, the most populous county in South Dakota, reached a total of 13,435, as against a Democratic and Nonpartisan League vote of 83 and 17, respectively. In the November election, on the other hand, the Republican vote in the same county fell to 5,118, while the Democratic vote increased to 4,208, and the Nonpartisan League vote to 3,028. Similarly, the Republican vote in the state at large fell from 101,758 in the March primary to about 78,000 in the November election, with corresponding increases for the Democrats and Nonpartisan Leaguers.⁸ These figures seem to demonstrate that Democrats and Nonpartisan Leaguers in South Dakota probably do like to invade the Republican primaries on occasion, and that such invasion cannot be prevented (if, indeed, it be desirable to prevent it) by the test of party allegiance imposed by the Richards law.

In this respect, however, the charge that party organization and discipline are practically destroyed is no more valid against the Richards plan than against any other primary law with a loose provision of that sort. It is possible, of course, that other features

⁵ See statement of Attorney General Byron S. Payne, in *Sioux Falls Press*, Mar. 23, 1922.

⁶ Letter of Attorney Thos. H. Kirby to the state's attorney of Minnehaha County, in *Sioux Falls Press*, Mar. 19, 1922.

⁷ *Sioux Falls Press*, Feb. 8, 1922.

⁸ These are the unofficial figures, obtained from newspaper reports.

of the Richards law may encourage independence to such a degree that the political conscience of the voter becomes more elastic, and that the bonds of the party organization therefore rest more lightly upon him.

Party Committees.—Party committees under the Richards law are constituted in quite orthodox fashion. There is a county central committee for each county made up of one committeeman chosen by the party voters in each precinct, and a state central committee similarly composed of one committeeman elected from each county. The county chairman is chosen by the members of the county committee and the party nominees for county and legislative offices, while the state chairman and the national committeeman are elected at the state-wide primary.

All party committees are, however, constituted on the basis of "unit representation"; that is, each committeeman casts a vote at all committee meetings equal to the number of votes cast at the last general election within the territory he represents (precinct or county) for his party's candidate for governor. Thus, although the 64 counties of the state are each represented on the state central committee of each party by one committeeman, their strength and influence will vary according to the party strength. The Republican state committeeman for Minnehaha County, for example, had a voting strength of about one-tenth of the committee before the last general election, whereas now his relative strength is only about one-thirteenth. The Democratic committeeman for the same county, with an actual smaller number of votes (4,208 to

5,118), has a strength equal to approximately one-tenth of his committee.⁹

One other point in connection with the selection of party officials and committees may be worthy of mention in explaining the operation of the Richards law. The law provides that an unopposed candidate for a *nomination* shall be certified as the nominee of his party without having his name printed on the primary ballot; but candidates for *elective* positions within the party (that is, for party chairman and committeeman) must have their names printed on the ballot, whether unopposed or not.¹⁰ In other words, the law makes possible a short ballot by eliminating most of the uncontested places; but, on the other hand, it is not possible for any party to avoid altogether the necessity of conducting a primary election. It happened in several counties last spring that the primary ballot (particularly that of the minority parties) contained only two names, those of unopposed candidates for the positions of state committeeman and state chairman.

PROPOSAL CONVENTIONS

For the selection of candidates and issues, the Richards law provides a very elaborate and somewhat complicated machinery. In two of the steps involved in the complete process (the precinct initiatory elections held in November of every odd-numbered year, and the state-wide primary in March of every even-numbered year) the voter participates directly. But especially important are the representative conventions held by each party in both county and state, for the purpose of proposing candidates

⁹ The writer is of course aware that the principle of unit representation is applied in the primary laws of some other states, notably Illinois.

¹⁰ See Sections 7111-7113, 7132-7133 of the Richards law (Revised Political Code, 1919), and opinion thereon by Assistant Attorney General V. R. Sickles, in *Sioux Falls Press*, Mar. 12, 1922.

and issues, from which final selection is made at the following primary. The county proposal conventions for each party are made up of three proposalmen elected by the respective party voters in each precinct under a regulated caucus system, the so-called precinct initiatory election; while the state proposal conventions are similarly composed of three proposalmen from each county, but chosen for each party by the respective county conventions. Both county and state conventions are, like the party committees, based on the idea of "unit representation," in that each proposalman has a vote equal to one-third the number of votes cast at the last general election in his precinct or county for his party's candidate for governor. The details as to time of meeting, organization, and procedure of all these proposal conventions are carefully regulated in the law.¹¹

Majority and Minority Proposals.—The plan of an initial proposal of candidates by pre-primary conventions is in accord with the growing desire to attach more official responsibility to the party organization, and has been

¹¹ For example, all proposal conventions, county or state, are required to convene at 11 o'clock A.M. on the designated day. The Revised Code of South Dakota, however, further declares in what portions of the state such statutory designations of time shall be understood to mean central or mountain time, in accordance with which provision any legislative designation of time would mean mountain time in the city of Murdo in Jones County, although the business of the city is conducted according to central time. As a result of this confusion, one faction of Republican proposalmen of that county met at 11 o'clock, and another faction at 12 o'clock, each electing a separate group of state proposalmen. The writer is not aware how the contest was settled, although the law seems to favor the second group; but the incident illustrates the difficulty of attempting to regulate such minor details by statute. It would seem that the hour of meeting and other details might well be left to the party committee or other authority.

adopted to some extent by other states, notably Minnesota. The Richards plan is decidedly novel, however, in that it expressly recognizes the existence of opposing factions within a party and provides for an official slate of candidates to be proposed by both the majority and minority factions.

The majority in a proposal convention first selects its candidates and principles. Thereupon the minority, if dissatisfied and if composed of at least five proposalmen, is permitted to "protest" by selecting and filing its own slate. Both the majority and minority (or protesting) slates are given a place on the primary ballot, but without any distinction as to name, both being called merely representative proposals. It is possible for the voter to distinguish these on the ballot, however, since the majority proposals must be placed in the last column of the ballot, and the minority proposals in the column next to the last. It may be noted also that only two official factions are recognized, the law providing that in case there is more than one group of protesting proposals, those first filed shall be placed on the ballot.

Thus, in the Republican State Proposal Convention of December, 1919, General Wood received 28,599 votes to 15,442 for Governor Lowden, and thereupon became the "majority" candidate for the presidential nomination. Governor Lowden was promptly named as the minority or "protesting" candidate, and as such contested with General Wood for the support of the South Dakota Republicans. Similarly, the Democrats selected President Wilson and former Ambassador Gerard as the majority and minority candidates of their party.¹²

¹² It should be remarked that Mr. Gerard announced that his "protesting" candidacy was filed only in case President Wilson should decline.

Independent Proposals.—In addition to the two “representative” slates that may be put forward by the officially recognized factions in the proposal conventions, the Richards law permits the proposal of an unlimited number of independent candidates for any office by the usual process of a petition with a required number of signatures. In fact, such independent candidates are definitely encouraged in that they are given the first column on the ballot, generally conceded to be the choice position, and are given prior consideration in other respects, in order, as is stated in the law, “to encourage leadership.”

The Richards law goes so far in its attempt to encourage such independent leadership within a party, as to provide that any independent candidate for the nomination for President or governor who received as much as 10 per cent of the total party vote at the primary election, shall be recognized as a “leader.” The language further seems to require that the protesting or minority proposalmen shall select this “leader” as their candidate at the next election, if he desires to continue his fight for his “paramount issue.”¹³ This peculiar provision applied in the last campaign to Mr. Richards himself, the author of the law, since he had been such an independent candidate for the gubernatorial nomination in 1920. It was generally expected that Mr. Richards would insist on his right to “leadership,” whether the proposalmen would have him or no, but

Although the President's withdrawal left Mr. Gerard as the sole candidate proposed by the Democratic convention, his name necessarily appeared in the third or “protesting” column.

For a full report of these proposal conventions, see the *Sioux Falls Argus-Leader* or *Sioux Falls Press*, under date of Dec. 3, 1919; and the same papers, under date of Dec. 7, 1921, for reports of the latest of these conventions.

¹³ Section 7098, *Rev. Pol. Code*, 1919.

at the last moment he withdrew his claims, and as a consequence there was no minority candidate for that office in 1922. Presumably Mr. Richards' legal claim will have expired by the time of the next primary campaign, although the law is not clear on that point.

Good use has been made of the provision for independent candidacies. Senators Johnson and Poindexter were able in this way to submit their presidential ambitions to the people of South Dakota in 1920, although neither received any consideration from the state proposal convention. So also Mr. Richards himself, decidedly *persona non grata* to the Republican organization, was enabled in the same year to become a candidate for the gubernatorial nomination, and in that way secure a hearing for more of his ideas. The campaign of Mr. Egan in 1922, already mentioned, was also conducted as an independent candidate.

In other words, the method of proposing candidates by an official convention does not by any means preclude other candidates who may not stand in well with the “organization,” nor does it necessarily mean that the slate or program is going to be a cut and dried affair. The system does, however, throw a certain responsibility upon the party organization; it is required to show its hand, so that the voters at least know which are “organization” candidates and which are not.

The plan of the Richards law with regard to the selection of candidates is thus much like the plan of Governor Hughes in New York. It is different in that the official slates are proposed by representative conventions instead of by the party committees, thus providing greater opportunity for the voters themselves to determine the

selections. It differs also in that the Hughes plan gave the official slate the preferred place on the primary ballot, whereas the Richards law favors the independent candidates in that way. Finally, it differs from the Hughes plan and from any other plan in its distinct recognition of factions within a party.

It is this provision, perhaps more than any other, that is criticized by politicians and organization men. It is said that this prevents party harmony, promotes factional differences, and keeps the state in continuous political turmoil. To a certain extent those criticisms are no doubt well founded, but it seems to the writer that the law is simply a recognition of an obvious fact, perhaps especially obvious in South Dakota, where the Republican party has been split into two well-defined groups—stalwart and progressive—for at least the last twenty years. The Richards law does not require factional proposals, it merely permits them; but it does offer an opportunity for dissatisfaction, where such exists, to assert itself in an organized manner. The voter's task of ultimate approval or disapproval of the party's program and candidates is thus simplified to a degree.

Declaration of Acceptance.—In connection with the process of selection, it may also be noted that all candidates, whether proposed by representative conventions or by individual petition, must sign a declaration of intention to accept the nomination and the office, to adhere to the party principles, and to obey the party recall if invoked. Failure to do this, as well as failure to comply with any other provision of the law, operates to bar or to remove the candidate's name from the primary ballot.

This provision had the effect, during the last presidential campaign, of

forcing certain gentlemen to declare themselves definitely as seeking the office, when they would otherwise have preferred to play the part of the coy maiden or the dark horse. General Wood hesitated for some time after he had been proposed by the Republican "majority" in South Dakota, and would clearly have preferred withholding any definite announcement of his candidacy at that early date (December, 1919). However, in order not to forfeit the ten delegates from South Dakota, he finally signed the required declaration, in spite of an opinion from the attorney-general of the state that the pledge could not be applied to constitutional offices.¹⁴ Governor Lowden and Ambassador Gerard, as the "protesting" candidates of the two parties, willingly signed the declaration, as did also Senator Johnson and Senator Poindexter as independent candidates. President Wilson and Governor Frazier, the latter proposed for President by the Nonpartisan League, did not file acceptances, and hence their names did not appear on the primary ballot; while Governor Coolidge, proposed by the majority Republicans for Vice-President, formally withdrew his name for that office, he being then a candidate for the presidency.

PLATFORM AND PARAMOUNT ISSUE

The Richards law is notable for the special emphasis placed on principles and issues, rather than on persons. No "representative" slates, whether of the majority or minority, may run without a platform and declaration of principles, and even independent candidates for President or governor are required to file such a statement of principles. The procedure for the proposal and selection of such party platforms is the same as that for the

¹⁴ See *Sioux Falls Argus-Leader*, Dec. 16, 1919.

proposal and selection of candidates. The various planks are presented in the proposal conventions, discussed, voted upon one at a time, and the platform thus adopted becomes the platform proposed for the party by the majority faction. If dissatisfied, the minority may "protest" as in the case of candidates, by filing its declaration of principles together with its slate of candidates, and if there is still dissatisfaction, there may be independent proposals.

In order that the voter may base his ultimate selection of party candidates at the primary upon principles, each group (except the independents) must select from the proposed declaration of principles or platform what it considers the "paramount issue," required by the law to be "a well-defined and definite principle for a public policy." This paramount issue must then be summarized in not more than eight words, and is printed at the head of the appropriate column on the primary ballot. It is also required that there be one such summary or paramount issue for national, state, and county purposes.

In accordance with these novel provisions, the South Dakota Republicans, by endorsing General Wood and the "majority" slate in 1920, approved as the national paramount issue "Patriotism, Progress, Prosperity, Honesty, Economy, Law and Order," which indeed seemed to that group so impressive that it was repeated on the ballot without change as the paramount issue for state and county as well.¹⁵ Had the Republicans preferred Governor Lowden, they would have committed themselves to the issue of "Economy, Efficiency, Protection, Peace, Agriculture promoted, One Flag." Although Senator Johnson's paramount issue was not printed on

the ballot, he being an independent candidate and not the candidate of a "representative" faction, it was declared to be "American Freedom of Speech and of the Press, and Justice with Law and Order." Surely here was a real opportunity for the Republican voter to exercise his discriminating judgment!

The Democratic "majority," evidently thoroughly tainted with Wilsonism, endorsed President Wilson on the paramount issue of "For a Lasting Peace under the League of Nations"; but recognizing that the League was hardly a state issue, proposed for that purpose "A Business Administration for South Dakota." Ambassador Gerard, although the "protesting" candidate, showed his readiness to go Wilson one better by basing his campaign on the issue of "Make and Keep the World Safe for Democracy," which for state purposes was reduced to "True Democracy."

In the campaign of 1922, all the parties appeared to be in practical agreement, to judge from the paramount issue of each, all emphasizing somehow the idea of economy and reduction of taxes. The Republicans declared for "Equitable Adjustment, Economy, Progress and Prosperity," the Democrats for "Efficiency, Economy and Reduction of Taxes," while the Nonpartisan Leaguers showed their radicalism by standing boldly for "Sweeping Reduction of Taxation."

All of this sounds more or less absurd. In fact, it is quite possible that a strict interpretation of the Richards law itself would make this sort of thing actually illegal. Mr. Richards has been reported as objecting, both in 1919 and in 1921, to the paramount issue adopted by the majority faction of his party as not "well-defined and definite."¹⁶ It was suggested that the

¹⁵ This was the case in Minnehaha County.

¹⁶ *Sioux Falls Press*, Dec. 25, 29, 1921.

candidates had not complied with the law in defining their issues so vaguely and indefinitely, and that their names might therefore be barred from the ballot. No action was taken on those occasions, but perhaps some day the Supreme Court of South Dakota will be called upon to determine whether or not an issue is well-defined and definite.

Before denouncing all this as utterly absurd, one should bear in mind that the "paramount issue" does really serve a useful purpose in distinguishing and identifying the various slates on the ballot; and it is quite possible that it might, if taken seriously, serve reasonably well in summarizing for the voter the party's declaration of principles. The politicians have made of it merely a meaningless and well-sounding slogan, but not more absurdly so under the Richards plan than under any other method. It is quite true that the complete platforms adopted under the Richards plan contain the usual amount of "bunk"; still in the method there is opportunity provided for discussion and consideration, and any sharp conflicts of opinion are likely under this plan to be resolved by the voters at the primary instead of being carefully smoothed over by the leaders in the interests of party harmony. In other words, the South Dakota law recognizes that the factional divisions within a party may be grounded in real differences of principle or policy; those candidates who wish the prestige of organized endorsement by either faction are required to commit themselves accordingly, and the task of the voter in making the ultimate selection is thus rendered somewhat simpler. If the issues are not sharply defined, there is still with the voter the power to discriminate between the candidates themselves as he may choose.

PUBLICITY

The Richards plan is notable in its attempt to secure publicity in party affairs, foster public discussion of issues, and educate the voters so that there may be formed an intelligent public opinion. The provisions for these purposes are among the most interesting and novel features of the plan.

Political Record Books.—The South Dakota law requires the Secretary of State and each county auditor to keep "political record books," in which are to be recorded all transactions of the several political parties relating respectively to state and national, and to county and local affairs. These include the minutes of all party committee meetings and proposal conventions, the various party platforms, the proposal papers and declarations of all candidates, the challenges and acceptances to joint debate, and the party endorsements for appointive positions. If carefully kept and preserved, these books should afford a constant check on secret political deals, as well as furnish a perfect mine of reliable information for the future historian and student of party politics.

As a matter of fact, the various officials charged with the duty either of reporting or keeping these records seem not to have taken their duties in these respects very seriously. It is reported that the minutes of the last Republican state proposal meeting were not filed as required by law; and Mr. Richards, himself a member of the state committee, has charged that the Republican state chairman called a "snap" meeting of that committee for May 16, 1922, and failed to file a record of that meeting with the Secretary of State.¹⁷ An examination

¹⁷ *Sioux Falls Press*, Dec. 29, 1921; Nov. 5, 1922.

of the political record book kept in one county (Minnehaha) revealed that the only party transactions there recorded were the minutes of the county proposal meetings; the officials did not seem to appreciate that the transactions of the party committees should have been recorded, as well as other party transactions of the sort indicated. The writer submits that this provision of the Richards law is among its most valuable features, and pressure should be brought to secure its careful observance.

Party Publicity Pamphlet.—The publicity pamphlet is now a fairly common device, but the South Dakota law is the first to provide such a pamphlet for the purposes of the primary campaign within each party as well as for the general election campaign between the parties. Space was provided for the biography, half tone cut, principles, and arguments of any or all candidates proposed independently or by convention within each party, with all the details as to the amount of space, arrangement of the material and kind of type, carefully regulated by the law. A copy of the pamphlet was mailed to every voter forty days before the date of the primary, the expense of mailing being borne by each county, that of publication by the state.

This was a step in advance of other provisions for state payment of party expenses, in that it legalized and provided for the factional and personal campaigns within each party for the nominations of that party; whereas the most that any state had done before was to provide in some measure for necessary expenses in seeking the office itself. Presumably because of the expense, this feature of the Richards law was repealed by the legislature of 1921, and is therefore no longer in effect.¹⁸

¹⁸ Session Laws of 1921, Ch. 333.

Public Joint Debate.—Perhaps the most novel feature of the Richards primary (also now repealed), was the provision for a series of public joint debates between the candidates for President and between those for governor. The law required that before the primary there be held within each party at least one such debate between the presidential candidates, and at least sixteen debates between the candidates for governor. It also required a similar series of twelve debates to be held after the primary between the nominees of the two largest parties for governor. Presidential candidates might debate by proxy, but gubernatorial candidates were required to be present and to debate in person.

The debates were in every case required to be discussions of each candidate's paramount issue, with express provision that "no personalities or personal imputations may be brought into the debate under any circumstances." A definite system of challenges and acceptances was provided for and enforced by the simple provision that failure on the part of a candidate to make or accept a challenge, when required, or a failure to fill the debate, operated as a withdrawal of that candidate's name from the primary or election ballot, whichever the case might be. There were also detailed regulations for the conduct of these debates, prescribing the time and place of meeting, the selection of a presiding officer, the time and order of speaking, and the rules of procedure.

In accordance with these provisions, public joint debates were held in South Dakota during the campaign of 1920. Senator Poindexter, as an independent candidate for the Republican presidential nomination, challenged General Wood, the "majority" candidate. General Wood accepted the challenge, as he was required to do, and appeared

personally instead of by proxy. The debate was held at Pierre, the state capital, on March 20, over General Wood's paramount issue, reduced for the purposes of the campaign to "Americanism." A tremendous crowd was in attendance, a judge of the state Supreme Court presided, and altogether the event was notable in the political history of the state.¹⁹ Similarly a joint debate was staged at Sioux Falls between Ambassador Gerard and one James O. Monroe, the rival candidates for the Democratic delegates from South Dakota. The provisions of the law with regard to the gubernatorial debates were also scrupulously adhered to, and a particularly vigorous series of debates was held between Mr. Richards, the author of the law, and Mr. McMaster, the present governor.

It could not be claimed that these debates held under the Richards primary were like unto the more famous Lincoln-Douglas debates; it may well be supposed, as indeed the records show, that the discussions of the "paramount issue" were frequently inane and beside the point; it may even seem that the state was on occasion "putting on a burlesque show," as was said by a country newspaper. On the other hand, the discussions thus instituted aroused interest on the part of the voters, brought the presidential candidates of all parties into the state to be seen and heard, attracted attention even outside the state, and on the whole seemed to be worth while. There was probably more active interest in the presidential canvass of 1920 in South Dakota than in any other state. In addition to participating in the one required debate with Senator Poindexter, General Wood delivered numerous addresses throughout the state. Governor Lowden, Senator Johnson, Sena-

tor Poindexter, Ambassador Gerard, and others of less repute—all emulated General Wood in their frank scramble for the South Dakota delegations—so that the campaign in general assumed something of the character of a free-for-all public debate, so much so that the *New York Times* was led to remark: "Tons of political literature and propaganda, supported by intensive personal efforts, have so effectively muddled the presidential situation in South Dakota that it is indeed a bold man who dares to give an unrestricted opinion on the outcome at the state primaries on March 23."²⁰

The provision for public joint debates was repealed by the legislature of 1921,²¹ and the system has therefore been operative during only one campaign.²² Nevertheless, the idea seems to have obtained something of a hold on the state, in that during the last primary and general election campaign, challenges to joint debate were made by several candidates, some of which were accepted and some declined. For example, during the primary campaign, Governor McMaster accepted such a challenge from Mr. Egan, his rival for the Republican nomination, and a highly spectacular debate was held in Sioux Falls. An immense crowd attended from all parts of the state, the newspapers printed unusually complete accounts, and although not free from personalities, the debate undoubtedly served to clarify the issues by centering attention in a somewhat dramatic fashion on the men and the things for which each stood.²³ During the election campaign, Miss Daly, the Non-partisan League candidate for governor,

²⁰ *New York Times*, Feb. 19, 1920.

²¹ Session Laws of 1921, Ch. 329.

²² This provision was not contained in the law first adopted in 1912.

²³ See accounts in *Sioux Falls Press* and *Sioux Falls Argus-Leader*, Mar. 5-10, 1922.

¹⁹ See account in *New York Times*, Mar. 21, 1920.

similarly challenged the Democratic candidate, Mr. Crill, which the latter declined on the ground that his real contest was with the Republican candidate and that a debate with Miss Daly would simply detract attention from the vital issue of smashing the existing state machine.

It would seem that this feature of the Richards primary, although decidedly novel and probably needing many improvements in the details of its operation, might have been of unusual value in arousing interest and in educating the public. At any rate, the idea was well worth a fair trial, and its repeal is to be regretted.

MERIT SYSTEM IN APPOINTMENTS

Another unique feature of the Richards law, also repealed by the legislature of 1921,²⁴ was its provision for official party endorsements for appointive positions within the state, whether state or federal in character. Under this provision, the respective party state committees were constituted into a sort of civil service board, to hear and pass upon applications for such appointive positions; that is, for United States District Attorney, United States Marshal, State Insurance Commissioner, etc. The committee was required to act always "in public session and without subcommittees, as a committee of the whole," and to make its endorsements by open ballot and majority vote. It might endorse any of the applicants, or it might endorse such other persons "as shall be agreed upon by a majority of such committeemen present for the betterment of the public service." The endorsements of the committee were then to be transmitted to the proper appointing authority (the governor in most cases), if for a state position, or to the President, if for a federal position; but in the latter case

also to the United States senators and representatives from the state, this being perhaps the first legal recognition of the position and power of members of Congress in dispensing federal patronage.

Clearly this was an attempt to abolish the spoils system in appointments, and to substitute a sort of merit system. The constitution of the party committee into a civil service board was again an attempt to make the party organization legally responsible for performing a function which everyone knows it actually performs without such responsibility. Mr. Richards seemed to consider this feature of the South Dakota primary law as its crowning achievement, and was very much disturbed by its repeal in 1921.

Obviously it was not possible to bring about any such "legal merit system" without the sympathy and coöperation of the state and federal appointing authorities. At least one application for appointment seems actually to have been heard and endorsed by the party committee (a federal Land Office position, in 1919),²⁵ but no information is at hand to indicate what action was taken by the appointing authorities, and apparently the provision has been practically ignored. Under those circumstances, it may be as well that it was repealed, although the principle of party responsibility for appointments seems excellent, if impossible of execution.

POSTMASTER PRIMARY

For the position of postmaster, the Richards law proposed quite a different method of selection, in that the party endorsement was to be given, not by the party committee, but by the party voters at a special postmaster primary. Such primaries were to be confined to

²⁴ Session Laws of 1921, Ch. 330.

²⁵ Information furnished in letter to the writer by Secretary of State C. A. Burkhardt.

the municipalities concerned and to the party of the national administration in power, and the result certified to the President, Postmaster General, and congressman from the district, thus again giving legal recognition to the congressional power of patronage.

Under this provision, such postmaster primaries were conducted in a few isolated instances, but were apparently ignored by President Wilson and the Democratic organization in the state. Consequently, this feature of the Richards primary also fell into a state of "innocuous desuetude," and was repealed by the legislature in 1921.²⁶

PARTY RECALL

The Richards primary law includes a provision for the recall, but again of a sort that is decidedly unique. It is a *party recall*, which is defined by the law as "the right and official act of the regular party organization, by jury trial, for the causes and under the restrictions provided in this chapter, to request the resignation of any public official who has been elected or appointed to office as a party candidate." This recall feature is therefore novel in these respects: (1) it is applicable to all public officials who have been elected or appointed as *party* candidates, and apparently not to those who may have secured their positions independent of any party; (2) it may be invoked and is operated by the party through which the official secured his office, and not by the general electorate; and (3) it is conducted as a quasi-judicial proceeding, with the party committee acting as a sort of jury.

The causes for which the party recall may be invoked are stated as failure to adhere to the party principles; misconduct, crime, or misdemeanor in office; or drunkenness, gross incompetency, or

neglect of duty. Recall proceedings may be initiated by 33 per cent of the party voters or by 66 per cent of the party committee, in either case by those within the territory from which the official was elected or appointed.

The recall hearing takes the form of a judicial or quasi-judicial proceeding. A complaint must be filed with the recall petition, setting forth specific charges; jurisdiction to hear the complaint and to try and determine the charges is vested in the party central committee, state or county, according to the character of the office; the committee members are specially sworn; counsel may be employed by both sides; witnesses are examined and evidence is taken. If 90 per cent or more of the committee members sustain the charges, a formal request for his resignation is served upon the official concerned. It should be remembered in this connection that every party candidate for office, whether elective or appointive, has expressly pledged himself to obey the party recall, if invoked; hence failure to resign, when thus formally requested, is declared by the law to constitute "proof of his moral misconduct and corrupt conduct," and the office is thereupon declared vacant.

This recall feature of the South Dakota law emphasizes again the central idea of the Richards plan, namely, that of legal responsibility in the party organization for its governmental acts and for the persons whom it selects for public office. Some curious situations might arise under this provision. In Minnehaha County, for example, the voters were for some time in the habit of electing a Democratic sheriff, but otherwise the complete Republican ticket; and in the same county, at the last November election, the Republicans won all the offices by large majorities except one state senator. Clearly the sheriff and the state senator

²⁶ Session Laws of 1921, Ch. 332.

were elected by Republican as well as by Democratic voters, but under the Richards law are in that case responsible only to the Democrats. Similar situations obviously may occur in other localities and in the state at large, and it may therefore seem that the law lays down a principle of doubtful value. The theory of the Richards plan, however, is that the real selection after all is not by the voters in the general election, but by each party group in making its nominations, and that each party ought properly be held responsible, therefore, for those officials whom it has placed before the general body of voters.

So far as the writer is aware, no recall proceedings have yet been instituted under the Richards law. The application of the recall provision has been tested, however, in the case of a county judge (Judge Burns of Deuel County), who, in an attempt to avoid ouster proceedings brought under another statute, claimed that he could be removed only through the party recall. The Supreme Court of the state, in denying his plea for a writ of prohibition, held that "the recall procedure (of the Richards law) does not purport to cover the entire field of the matter of removal from office and is therefore only cumulative to, and not inconsistent nor in conflict with, the general statutes upon removal."²⁷ Although the court did not pass directly upon the constitutionality of the party recall, the inference from its decision is that the provision is valid.

EXPENSE

One of the serious criticisms that has been made against the Richards primary is that it is unduly expensive. It is quite obvious that the voluminous machinery of initial and primary elections must be a source of considerable expense to the taxpayers, but probably

not much greater than any other legally regulated primary system. In addition, however, the novel features of the Richards primary are all a source of expense. The proposalmen and the party committeemen are paid a mileage of five cents each way for attendance upon all necessary meetings, which in the case of the proposalmen in 1921, amounted to an average of \$18 apiece, or a total for the three proposal conventions, of about \$10,000. The candidates required to debate were allowed a mileage of ten cents for all necessary travel in that connection. Presumably General Wood collected mileage for travel between Chicago (then his military headquarters) and Pierre, Senator Poindexter between Washington and Pierre, Mr. Gerard between New York and Sioux Falls, and Mr. Monroe between Maywood, Illinois, and Sioux Falls. In addition, mileage must have been paid for all the travel required by the 28 gubernatorial debates, altogether amounting to a tidy sum.

The heaviest expense, next to the proposal conventions and the primary election, was that necessitated by the publicity pamphlet. Candidates who desired the insertion of cuts and biographies were required to contribute \$100 for both or \$50 for either, but otherwise the expense of publication was borne by the state. This amounted in 1919-1920 to \$4,500. In addition, the expense of mailing was borne by each county, which in Minnehaha County amounted to \$150, exclusive of clerical and other expense, and might be estimated at about \$1,500 for the entire state.

The total expense to the state in 1919-1920 for mileage, publicity, and incidentals can be estimated at about \$20,000,²⁸ and in addition an expense

²⁷ See *Sioux Falls Press*, Jan. 27, Mar. 3, 1922.

²⁸ These figures are estimated from information supplied by the Secretary of State, in a letter of Dec. 8, 1921.

to the 64 counties of \$20,000, or a total of about \$40,000 exclusive of the initiatory and primary elections. This is a heavy expenditure (now reduced through the repeal of the provision for the publicity pamphlet), but if the law accomplishes its purpose of securing a more effective and responsible government, the expense is a comparatively unimportant consideration.

The Richards primary has probably come to stay. It still remains the only law enacted in South Dakota through the initiative and referendum during the twenty-five years of that institution in the state, although numerous other measures have been initiated and submitted. Ever since its first adoption in 1912, the legislature has constantly attempted to wipe it off the statute books, either by direct repeal or by the substitution of its own measures. The verdict of the people has on every oc-

casión but one sustained the Richards law; but the struggle has confirmed the constitutional right of the legislature (at least in South Dakota) to repeal or amend an initiated law at will. Although the legislature of 1921 accordingly did repeal several of the novel features—the provisions for a publicity pamphlet, public joint debates, party endorsement for appointive positions, and the postmaster primary—the salient provisions of the Richards plan with respect to the proposal and selection of candidates and issues remain intact, and are likely to be respected. The machinery is cumbersome and complicated, but has worked rather well in spite of dire predictions to the contrary. On the whole, the experiment has been unusually interesting and, as the writer feels, well worth while. Its continued operation will be watched with keen interest by students of government and party politics.

The Operation of the Direct Primary in Indiana

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IT has been repeatedly asserted that the average voter shows no interest in the primary. This, of itself, might not be an unanswerable argument against the primary, but certainly the apparent apathy of the voters does not aid the cause of the adherent of the direct primary. Newspaper comments following a primary election in Indiana bear witness that the average editor is inclined to condemn the primary on this ground. "Light Vote Cast," or "Only 50 Per cent Vote," and similar headlines have given the general impression that there is no interest in the primary.

Such, however, is not the case. A statistical analysis of Indiana primary returns, from vote for state officers down to the vote in townships and precincts, reveals an astonishing interest in the primary wherever the candidates nominated at such primaries have a chance of success in the election.

INTERPRETING THE PRIMARY VOTE

There seem to be several misconceptions as to the conclusions which can be drawn from what appears to be a light vote in the primary. In the first place, the Indiana primary vote over the state averages from 50 per cent to 54 per cent of the vote at the election. This is, in fact, a relatively high primary vote. The difficulty is that the primary is compared with the election. It should be compared rather to the old primary system. So far as can be ascertained, a 10 per cent vote was considered a good vote under the old system, and there are

many tales in Indiana of primaries in which a mere handful of voters named the slate. A 50 per cent vote today then is actually an increase of 400 per cent in interest in the primary and in the extent to which the average voter is participating in party affairs. In many counties in Indiana one party or the other casts a primary vote of 70 per cent, or an increase of 600 per cent in interest and participation.

Moreover, in comparing the primary with the election, no allowance is made for the independent vote. While the independent may participate in Indiana, he is not a party man and should not be expected to participate in an election within the party, and his failure to vote in the primary in no wise enters into the merits of the direct primary. If we accept Mr. Merriam's recent estimate on independent voters, we should not expect much over a 75 per cent vote in the primary. In Indiana the proportion of independents is probably lower, and an 85 per cent vote might be expected. On this basis the present 50 per cent vote in Indiana is nearly 60 per cent of the vote that might be possible. And a 60 per cent voluntary vote, with no party machinery to drag the voter to the polls, is, after all, a good-sized vote.

POLITICAL GEOGRAPHY MUST BE CONSIDERED

But an analysis of Indiana counties reveals even more interest and participation in the direct primary. It is useless to add up the total vote in the state and draw conclusions from that. The political geography of the state

must be understood and allowance be made therefor.

There are in Indiana 37 counties which are strongly Republican and 32 which are strongly Democratic. That is, a study of the 19 general elections in Indiana in the past 38 years demonstrates that all of these 69 counties have been carried by the dominant party in at least 14 out of the 19 elections. And in many cases the majority or plurality of the dominant party has been so great that it required the Progressive split of 1912 or the landslide of 1920 to turn the plurality into the opposite column. In these 19 elections, eleven counties have always gone Democratic; three have always been Republican. Five others were Progressive in 1912, but have otherwise been Republican. Six others went Democratic in 1912 only.

Such strongholds of party strength must be considered in any analysis of the primary, and the conclusions which can be drawn from such counties seem to be of great importance. In many of these counties the nomination is always equivalent to an election. They can be compared to the states

of the solid South where the Democratic primary is far more important than the election. And these 69 counties constitute 75 per cent of the 92 counties of Indiana.

REAL INTEREST IN MANY COUNTIES

To illustrate the results of the statistical survey, two tables are given. The first shows ten of the strongest Democratic counties, giving the percentage of vote cast in the primary as compared with the vote at the election the same year by parties for 1916, 1920, and 1922. In 1920 the women voted in the election but did not vote in the primary. To make the percentages comparable with the others they have been consequently multiplied by two. This is not accurate, but does roughly account for the women's vote, and seems preferable to setting forth the figures without making some allowance therefor.

The table shows first that the Republican vote in these counties is usually small, and uniformly much smaller relatively than the Democratic vote. On the other hand, the Democratic vote is frequently surprisingly

I. PRIMARY VOTE IN TEN STRONGLY DEMOCRATIC COUNTIES SHOWING PERCENTAGE OF VOTE CAST IN PRIMARY AS COMPARED WITH THE FOLLOWING ELECTION

COUNTY	1916		1920		1922	
	Democrats	Republicans	Democrats	Republicans	Democrats	Republicans
Adams.....	83.9	48.7	72.8	50.2	85.9	36.8
Brown.....	68.9	46.2	118.4	27.4	102.5	27.0
Dubois.....	71.4	51.3	80.2	45.8	93.5	23.8
Franklin.....	73.3	38.3	91.0	40.0	40.2	26.9
Hancock.....	72.2	45.4	63.4	59.6	70.2	48.6
Jackson.....	73.2	44.1	66.6	58.0	58.5	43.6
Johnson.....	71.3	56.0	75.6	60.6	79.6	42.2
Scott.....	90.1	59.4	91.6	64.2	80.6	61.6
Sullivan.....	76.0	50.6	58.8	43.4	60.3	50.8
Wells.....	78.4	47.4	73.8	55.8	64.9	40.1
Total.....	77.2	54.5	74.0	49.6	70.3	41.5

high, averaging 77.2 per cent in 1916 and 70.3 per cent in 1920, in many cases rising above 80 per cent.

The fact is, of course, that there is no reason to expect a high Republican vote in these counties where for 38 years the Republicans have never won an election, and where their only influence can be in assisting Republican strength in counties joined to them for joint election districts.

However, in these counties, for the Democrats the real contest comes in the primary and the voters respond.

party is distinctly dominant, bears out the general conclusions of these two tables. There is a very real interest in the direct primary in 75 per cent of the counties in Indiana, but then usually in the primary of the dominant party only. In the other counties, those which may be called "doubtful," the percentage of vote varies somewhat according to the strength of the majority by which the more successful party has carried the elections; but in all cases of counties which can be won or lost by small pluralities,

II. PRIMARY VOTE IN TEN STRONGLY REPUBLICAN COUNTIES

COUNTY	1916		1920		1922	
	Democrats	Republicans	Democrats	Republicans	Democrats	Republicans
Benton	54.6	79.3	29.2	62.0	33.8	88.2
Delaware	38.3	76.5	19.4	61.8	30.9	92.6
Grant	38.9	85.4	27.2	89.8	32.1	70.0
Hamilton	36.2	67.4	20.4	76.8	35.0	87.2
Lagrange	33.9	69.1	29.6	82.4	20.2	85.3
Porter	22.9	73.6	19.2	96.0	55.6	108.1
Randolph	34.9	72.9	12.8	83.6	25.9	87.8
Steuben	48.3	90.8	28.8	79.8	28.7	93.5
Warren	24.6	67.7	24.0	67.6	22.7	91.4
Wayne	33.3	78.3	16.0	66.6	19.7	94.5
Total	37.6	76.3	21.0	73.6	30.4	77.9

The second table shows the same facts for ten strong Republican counties, and the conclusions from the first table are reaffirmed. The dominant party invariably polls a high vote in the primary—a very high vote—while the party which has no chance to win the election is not greatly interested, naturally enough, in nominating men whose defeat is certain. In fact, the vote of the minority party in these counties is far lower than for the minority party in the first table.

A similar analysis of all of the 69 counties in which one or the other

the primary vote has usually been high.

From this analysis, emphasis on the 50 per cent vote cast over the state is obviously improper, as it includes the votes of one party in 69 counties where no one would expect anything but a low vote.

The inevitable conclusion is that the direct primary should be retained in Indiana because in 75 per cent of the counties it is usually for county offices more important than the election itself, and is the only opportunity for the voter to cast a ballot where it will be of determinative value.

THE EFFECT OF THE PRIMARY UPON THE ELECTION

Another feature of the primary in Indiana has been distinctly noticeable. The direct primary partakes of the nature of an election. The arguments for and against the candidates are publicly made. And in a bitter contest members of the same party may attack each other with damaging effects. Personal feelings engendered may estrange the two factions, to the extent that the supporters of the defeated candidate may prefer to vote for the candidate of the opposite party rather than for their late adversary. Or a successful fight against the organization for the nomination may mean lukewarm support by party workers in the election. The striking illustration is that of the Indianapolis Municipal Republican Primary in 1921 in which Mayor Shank was the successful minority nominee. So bitter was the contest against him in the primary that Democratic papers had ample ammunition for the election supplied from the mouths of Republicans. And the Republican party and organization went through numerous distressing contortions in attempting to swallow the candidate they had not wanted. Mayor Shank's election was due more to Democratic votes for him than to the success of these contortions.

Similarly in 1922 most of the party workers were supporters of Senator New and were positively opposed to Mr. Beveridge. There can be no doubt that many of them did not work actively for him in the election, nor for that matter, vote for him. In this contest, however, by mutual agreement, both candidates refrained as far as possible from supplying fuel for the Democratic flames.

MINORITY NOMINEES AND THE ELECTION

One of the serious defects of the Indiana primary lies in the very great possibility of a candidate being nominated by minority vote, as the law requires merely a plurality. Thus in 1922, out of the 13 congressional districts, eight minority candidates were named by one or other of the parties. In the municipal primaries of 1921, in 92 cities, 45 mayors or city clerks were minority candidates.

This cannot but influence the ensuing election and party organization. Public opinion within the party has not had full expression, and the result in Indiana is distinctly visible. In 34 cities in 1921 the tickets in the election were split so that mayors, clerks or treasurers were not of the same party.

Under the 1915 law Indiana provided for the casting of first and second-choice votes, the latter to be used in case no candidate had a majority. While there were numerous cases in 1916 in which the second choice might have determined the result, less than 10 per cent of the voters expressed a second choice, and the provision was abandoned in 1917.

Some sort of preferential voting seems to be necessary in order to perfect the primary, but no mere writing of such a provision into the law will suffice. It requires several years of systematic education before the voter can be expected to leave the traditional scheme of voting and appreciate the significance of the new. Certainly there must be some constructive attempt to make the voter understand the new system. That has been distinctly lacking in Indiana.

EFFECT ON PARTY ORGANIZATION

That the primary has materially upset the long-standing methods of

party organization and control must be admitted. Minority nominations distasteful to the faithful workers in power, the present failure of the primary to elect primary officers in accord with the candidates nominated, and the independence of the average voter concentrating primarily on personalities, has caused the politician uniformly to condemn the primary. Reward for political services by nomination to an elective office is now uncertain. Where formerly a rising candidate stepped aside for another with stronger demands, on the assurance that he would be considered next time, the politician is no longer in a position to give that assurance. Geographical representation, which people are quick to notice when it is disproportionate, is forgotten by the voter in the primary. In 1922 a member of a county council resigned after election because his election left unrepresented an important township that had always demanded representation. Such things the practical politician must take into account. The voter neither considers them nor understands their importance when he is exercising his power to nominate, however quick he may be to comment upon them later. All of these facts seem to lessen party responsibility under the primary. Combined with the recent increase in splitting the ticket and leaving county and city and state government divided administratively between the major parties after election, this would seem to demonstrate that the party organization cannot fully assume responsibility nor command obedience. As a matter of fact, however, in most instances, the party organization has seemed to keep a rather secure hold on the reins. In some of the larger counties, the organization regularly prepares its slate for the primary, and it usually goes through. In the

smaller counties the successful candidates are frequently amalgamated with the old order, unless in a few cases they are strong enough to force compromises in their interest. Control of city, state and federal patronage continues to command for the organization a respect and obedience, so that party responsibility has not been altered as greatly as would first appear.

PRIMARY EXPENSES

The cost of primary elections to the various counties in Indiana in 1920 was \$313,427, averaging \$0.99 per vote cast, as contrasted with \$567,599 and \$0.45 per vote for the general election. Unquestionably the expense of conventions or primaries under party control would be less. But the question of expenditure is never the determining one in the case of state policies.

The chief objection raised against the primary in Indiana concerns the expenses of individual candidates. This is particularly true of state-wide offices, where candidates must cover the entire state with advertising and mail matter. It is impossible to draw definite conclusions on this subject, but there is a strong movement in Indiana to eliminate state offices from the primary on this ground. All state officers are now nominated by the state conventions with the exception of the governor and United States senator. For these the vote is preferential only unless one candidate receives a majority in the primary. In 1922 candidates were nominated by primary majorities.

In 1922 Senator New reported an expenditure of \$15,588.05. Beveridge reported \$10,715.91. But Ralston, successful in the election, spent but \$2063.01 in the primary. In 1920 Governor McCray reported a total of \$31,366.82. All were campaigning in state-wide contests.

For lesser offices, it appears that it is possible for a state representative to be elected in Indiana on a primary expenditure of from \$11 to \$25, although some candidates spent as much as \$150. In many cases candidates reported that no money was expended.

For close contests in a single county, candidates may spend much more than candidates for Congress. Thus, in one contest for superior judge, the successful candidate spent \$1,180.50, and the unsuccessful \$1,297.07. The candidate for Congress in the same territory expended but \$67.50 in the primary. A candidate for county treasurer needed \$3,864.45 for his campaign. An unsuccessful candidate for state office before the state convention reported \$1,134.00.

In the face of such returns, no positive conclusions are possible. A successful candidate for governor may spend less than an unsuccessful candidate for county office; a congressman, less than a state representative or justice of the peace.

PRIMARY DOES NOT CONTROL PARTY ORGANIZATION

By far too much attention has been centered upon nominations in Indiana, and practically no emphasis has been placed upon the question of party organization. It may be stated emphatically that popular control of party organization through the primary does not exist in Indiana; has never existed; and, which is more important, has never even been attempted.

The so-called democratization of party machinery, a fundamental part of the program of the direct primary, has been a total failure in Indiana. It is written into the law, but there it has remained—on paper only.

The Indiana primary law is based upon the assumption that the proper

place at which popular control should be applied is in the precincts. Hence, under the law, both major parties regularly "elect" precinct committeemen who are chairmen of the precinct committees, and the foundation upon which the party organization is based. There are 3,395 such precinct committeemen in Indiana. These meet in their county meetings as a county committee and elect a county chairman for each county. The 92 county chairmen meet in congressional districts and elect 13 district chairmen who constitute the state central committee. These elect the state chairman.

It would be a cumbersome system at best, were the precinct committeemen the real representatives of the popular sentiment in their precincts elected to have a decisive vote in party affairs. But the real state of affairs is that the average party voter in most instances has no idea that such a committeeman exists, and certainly has no interest in his selection.

To nominate a United States senator, a governor or representative, or to express a preference for a presidential nominee; that the voter understands That he has within his grasp possible complete control of the party itself through the insignificant precinct committeemen, he does not understand. Nor does he understand the reason why party control is of any importance.

FEW CONTESTS FOR PRECINCT COMMITTEEMEN

Hence no citizen is interested ordinarily in becoming a candidate for this lowly office. The fact is, that in most cases the county chairman or other active workers have to select someone in each precinct who can undertake the work of political organization necessary for party success in the election, and in many instances

have to persuade that person to accept the position.

A statistical analysis of the returns demonstrates this fully. In the first place, in most of the precincts in Indiana the candidates for precinct committeemen do not even appear on the ballots. There is no contest and the canvassing board certifies them as elected with "no opposition." Where they do appear on the ballot they receive but a handful of the total vote cast, except in a small number of instances where there are contests.

For example, a study of 792 precincts for the primary of 1920 shows that there were contests for precinct committeemen in 61 instances, or 7.7 per cent. A similar study of over 800 precincts in 1922 shows an even smaller number of contests. In eight of eleven counties in 1920 there were no contests in any of the precincts; and a contest in 31 precincts out of 51 in one county accounts for over half of the contests. In other counties, for example, there were contests in three out of 44 precincts; in 10 out of 69. In only one of these cases could the contest have affected the control of the majority of the county committee. And without such majority control, minor personal contests become unimportant. It seems fair to conclude from the nature of the returns considered, that the percentage of contests for this fundamental party office in Indiana is less than 10 per cent. Eliminating the miscellaneous minor contests which cannot affect subsequent party control, the percentage of real contest for party organization falls to 5 or even 3 per cent.

The fact is that the contest for party control, which frequently is a real contest, does not take place in the primary, however much the law intends that it should. The real contest comes after

the people have voted in the primary. It is then a contest of faction against faction, and not a contest for democratic control.

CONTESTS FOR PARTY CONTROL IN 1922

The primary of 1922 affords interesting illustrations. In Marion County (Indianapolis) there was a long-standing movement to dislodge the "machine" which had been in control for eight years. This contest did find its way into the primary, and many candidates for precinct committeemen were known as for or against the existing order. After the primary, both factions claimed a majority in the county committee. But the assured support of each left some thirty doubtful committeemen holding the balance of power. It is a publicly acknowledged fact that these doubtful ones were definitely bought by city patronage by the faction seeking to gain control. According to the mildest statement appearing in an Indianapolis newspaper the day following: "The Mayor made no attempt to make a secret of the methods used in getting some of the precinct committeemen to vote for his candidates for the county organization. 'Of course we had to give about thirty of the precinct committeemen jobs with the city,' Mayor Shank said. This public declaration of a thing which would have been soft-pedaled by almost any other man in public life, resulted in riotous applause and cheering from the crowd in the packed court-room." And Mayor Shank reiterated this statement the next month before the Junior Chamber of Commerce.

Seldom have the methods used been so freely admitted. But the methods have been used before. And the contest in the Republican State Central Committee, in the election of a state

chairman, developed methods of coercion less admitted but no less disgusting and reprehensible. It is a rather complete commentary on popular control of the party organization in Indiana through the primary.

WHO CONTROLS THE PARTY MACHINERY?

If the voter does not, who does control the party organization? Strange enough, it is by no means certain that the successful candidates will. It may happen frequently that the party machinery, started through the precinct committeemen in the primary, may be positively opposed to the candidates nominated by the people in the same primary, or more favorably disposed in other quarters. For example, Mr. Beveridge won the nomination for United States senator in the Republican primary in 1922. But it was unquestionably Senator Watson who secured a dominant control of the party organization through the election of a state chairman and consequent control of the state central committee.

Mayor Shank had been elected in the municipal election of 1921. He was in no way officially connected with the 1922 primary. But there is again no question that it was he who secured control of the Republican Party organization in Marion County. And it was repeatedly claimed that the national committeeman for Indiana had largely determined the election of the district chairman for that congressional district. Not only was party control not seized by the voter; it was secured by men who were in no sense before the public eye in the primary itself.

DEMOCRATIC CONTROL A MYTH

The fact remains that democratic control of party organization in Indiana is a myth. The real contests come

after the primary, and are beyond popular control. The voter usually has no distinct knowledge concerning these contests even if he does happen to see the name of a committeeman on the ballot and place a cross beside his name. It would be better if precinct committeemen were appointed in law, as they virtually are in fact, by the county chairmen; and if popular attention were concentrated on the first real contest, that for county chairman. If the voters of a county were to vote for a single party officer instead of for 20 to 200 precinct committeemen, there would be better chance of a real expression of public opinion; and at all events a real contest in which public sentiment could be aroused intelligently would be transferred to the primary within reach of the voter.

DELEGATES TO STATE CONVENTIONS

Similarly there is no popular control of state conventions. There is more interest in this office in Indiana than for precinct committeemen however. These delegates are also "elected" at the primary. Contests for these positions run from about 20 per cent to 30 per cent in counties surveyed where there were contests in 1920 and 1922. But in 63 per cent of the counties studied there were no contests. In many instances the delegates were omitted entirely from the ballot and certified without vote, the voter never seeing the name or the name of the office of delegate whom he is supposed to have elected as a basis for democratic control of the chief assembly of the party. From the returns utilized, a 12 per cent contest for delegates would seem to be the Indiana average. This is an entirely insignificant proportion so far as any possible effect upon control of the convention is concerned. It is certainly true that the state conventions

of the two major parties in Indiana are in no sense controlled by the voter within the party, even though he may "vote" for a delegate in some cases.

VOTERS IGNORANT OF METHODS OF CONTROL

The reason for this failure is not hard to find. We have regularly depended upon the political parties to educate the voter in all matters political. In an election they accomplish this to a certain extent in the discussion of issues and candidates. But if the organization interferes in the primary, machine control is at once alleged. And if the party workers do not interfere, the usual education is lacking as its chief agency has been removed.

Moreover, the party workers very generally have been strenuously opposed to the primary. It is not to be supposed that they would attempt to inform the voter how to exercise his powers to wrest control from their hands. And we have provided no other means of informing the voters concerning the significance of party control or how to secure it.

This failure is not a failure of the primary law, except in so far as it expects public opinion to focus on offices concerning which the voter is ignorant, and, moreover, in which he cannot be interested. The law provided the machinery for the democratization of party organization. What is needed now is some method of concentrating party attention on the important contests and persuading the primary voter that zeal in nominating candidates might be better spent if he were to remember that he is also electing party officials.

The chief defect of the Indiana primary at present lies in the over-emphasizing of the nomination of candidates and the almost total ignor-

ing of the election of party officials. The voter in the primary is not particularly nor strikingly successful in selecting better candidates than were chosen by the party workers under the old system. If that were all there was to the primary, we might be better off under the old primary or convention. But it is the question of party control, however much it has been overlooked, that should be the dominant question in the primary. With popular control of party a fact, nominations perhaps would be easily taken care of through the party committees.

To revert to the old primary and convention system, as things now are, gives no promise of improvement. Today, as large a proportion as 90 per cent of the voters in some counties participate in party primaries. Their zeal is considerably misdirected towards nominations, it is true, but still they are interested and do participate. And yet their control of the party,—popular control,—runs as low as 3 to 12 per cent. What could be expected if their main interest were removed? It is hopeless to assert that they would come out in similar force to a primary where their sole participation would be the selection of committeemen and delegates in whom they are now not at all interested.

To argue that the primary should be discarded as a failure is to declare that real control of government should be relegated to self-appointed committees, or factions thereof, with no semblance of popular control. It were as well to restate the argument in this form:—that the people are neither interested in, nor capable of governing themselves,—for that is what it means. People are used to elections and ballots as the method of expressing their political opinions. And the possibilities lie through utilization of this interest, not in destroying it.

DIGEST OF PRIMARY ELECTION LAWS

BY

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MANDATORY PRIMARY

OFFICES FOR WHICH CANDIDATES ARE NOMINATED AT PRIMARY					
STATE AND CITATION	DATE OF PRIMARY	PARTIES TO WHICH APPLICABLE	Mandatory	Nominating Petitions (Number of Signers)	Personal Declaration of Candidate (Date of Filing)—Number Days Before Primary
Arizona Laws First Special Session, 1912, Ch. 84, as amended by Laws 1915, p. 95 and 97; R. S. 1913, Sec. 3010-3047; Laws 1921, p. 245 and 428.	Eighth Tuesday prior to any general or special election; and not less than 30 days prior to city or town election.	Casting 5% or more of total vote in state, or any political subdivision.	Presidential electors United States senators Congressmen State officers County offices Members of legislature Superior judges Precinct committee-men Justices of Peace Constables City officers Town officers	1% of party voters in at least 3 counties, but not less than 1% nor more than 10% of total vote of party in state. 3% to 10% of party vote in county. 5% of party vote in precinct. 5% of party vote in precinct. 5% to 10% of party vote and at least 5% of party vote in $\frac{1}{6}$ of precincts.	Nomination petition filed 60 to 20 days before primary; nomination paper filed 90 to 30 days before regular and 10 days before special primary.
California Acts 1913, p. 1379, as amended by Acts 1917, p. 1341, Acts 1919, p. 39 and 381 and Acts 1921, p. 1217.	Last Tuesday in August of each even-numbered year. Tuesday, 3 weeks preceding municipal election.	Casting 3% or more of entire vote for any candidate throughout the state, or 6% for a joint candidate.	Judicial offices School offices County offices Township offices Municipal offices	$\frac{1}{2}$ % to 2% of total vote cast at last election in unit affected.	35 days before August or May primary and 25 days before any other primary.

Acts 1915, Ch. 137, as amended by Acts 1916.	First Tuesday in May of presidential years.	Casting 3% or more of vote for any candidate throughout the state, or 6% for a joint can- didate.	State officer U. S. senator Congressmen Members of legislature District officers	Must be filed 40 days before August or May primary and 25 days before municipal pri- mary. When elected by voters of entire state, $\frac{1}{2}$ to 2% of party vote for governor. When elected by a subdivision of the state, 1% to 2% of party vote for gov- ernor.	In his personal decla- ration, each candidate for delegate may an- nounce his preference for President.
Colorado Acts, Special Session, 1910, p. 15, as amended by Acts 1921, p. 292.	Second Tuesday in September of even years. All other pri- maries, 4 weeks before election.	Casting 10%, or more of total vote in state for governor.	U. S. senator Congressmen State officers District officers City officers County officers Members of legislature Precinct officers	The names of candi- dates may be placed on the ballot by peti- tion or certificate of designation by a party convention. Nominat- ing petitions must be signed by 300 or more voters for national, state and district offi- cers and 100 for any other office, but in no	A candidate files his acceptance with the nominating petition; if designated by a con- vention, the candidate must file his accept- ance in 7 days.

MANDATORY PRIMARY—Continued

OFFICES FOR WHICH CANDIDATES ARE NOMINATED AT PRIMARY				
STATE AND CITATION	DATE OF PRIMARY	PARTIES TO WHICH APPLICABLE	Mandatory	Personal Declaration of Candidate (Date of Filing)—Number Days Before Primary
Florida Acts 1913, Ch. 6469, as amended by Acts 1915, Ch. 6874; Acts 1901, Ch. 5014, as amended by Acts 1905, Ch. 5471; Acts 1913, Ch. 6470; Acts 1909, Ch. 5929; R. S. 1920, Sec. 299-367.	First Tuesday after first Monday in June of even years.	Casting 5% or more of total vote for highest officer in state, county or congressional district. Optional in cities.	State offices Congressmen County offices U. S. senators	30 days before primary for state or district office and 20 days for county office.
Idaho Laws 1919, p. 372.	First Tuesday in August of even years.	Casting 10% of total vote of state for any office and having 3 nominees for state offices at last election.	District judge Prosecuting attorney County officers Members of legislature Municipal officers	Filed 60 to 30 days before primary. Must swear that he has not voted at a primary of another party for 2 years, and file a certificate from the county

					chairman or committee, or from 5 voters that he is a member of the party; and that he has not signed the nomination paper of an independent candidate or of a person belonging to another party.
Illinois Laws 1910, p. 46, as amended by Laws 1913, p. 310; Laws 1921, p. 432; Laws 1912, p. 42; Laws 1916; Laws 1910, p. 77, as amended by Laws 1921, p. 433; Laws 1913, p. 331; R. S. 1921, Ch. 46, Sec. 452-545.	Second Tuesday in April, prior to any November election. Last Tuesday in February, prior to any April election. Second Tuesday in March for election on third Tuesday in April. All others, 3 weeks before election.	Casting more than 2% of vote in state or any political subdivision thereof for highest candidate.	State officers Congressmen County officers City officers Village officers Municipal court officers (Chicago) Town officers Judicial officers Members state board equalization Clerks appellate courts Trustees sanitary districts Township officers (co-extensive with municipality) Members of legislature County offices Representatives in Congress Township offices Judges (Local) Members of legislature Prosecuting attorneys City offices	1,000 to 2,000 for state office; 100 for state central committee-man; $\frac{1}{2}$ of 1% of voters for other officers; 10 electors for minor officers in jurisdiction affected.	60 to 40 days before primary for state or district offices and 30 to 20 days for municipal. Delegates to National Convention may file a paper designating their preference for President or stating that he has no preference.
Indiana Laws 1915, p. 359, as amended by Laws 1917, p. 354, and Laws 1921, p. 413, 514; Burns' Stat., Sec. 7054a-7054k-2.	First Tuesday after first Monday of May of years in which general state and city elections are held.	Casting 10% or more of total vote.		None required.	60 to 30 days.
				None required.	At least 30 days.

MANDATORY PRIMARY--Continued

STATE AND CITATION	DATE OF PRIMARY	PARTIES TO WHICH APPLICABLE	OFFICES FOR WHICH CANDIDATES ARE NOMINATED AT PRIMARY		
			Mandatory	Nominating Petitions (Number of Signers)	Personal Declaration of Candidate (Date of Filing)—Number Days Before Primary
Iowa Code, 1913, Sec. 1087a-1-1087a-35; as amended by Acts 1921, p. 65; Acts 1919, p. 304; Code, 1913, Sec. 1087b-1087b-5.	First Monday in June of even years, and last Monday in February in cities.	Casting 2% of entire vote of state for governor.	All elective except judges U.S. senator Presidential electors Also judges in districts of one county and 75,000 population City officers in cities of first class, and cities of over 15,000 acting under a special charter, except where elections are non-partisan Supreme, district and superior court judges	Petitions for county office are filed 30 days and for state and district offices 40 days before the primary. For state officers, 1% of party voters in at least 10 counties and 1/2 of 1% of party vote of state. For district officers, 2% of party voters in 1/2 the counties of the district and not less than 1% of the party vote of the district. For county officers, 2% of the party vote of the county. For supreme judge, 5,000 voters, at least 30 in each county. For district judge, 500 voters, at least 50 in each county. For superior judge, 250 voters.	Filed at same time as the nominating petition.

MANDATORY PRIMARY—Continued

STATE AND CITATION	DATE OF PRIMARY	PARTIES TO WHICH APPLICABLE	OFFICES FOR WHICH CANDIDATES ARE NOMINATED AT PRIMARY		
			Mandatory	Nominating Petitions (Number of Signers)	Personal Declaration of Candidate (Date of Filing)—Number Days Before Primary
	state, district, judicial, parochial and municipal officers. 60 to 70 days before election for municipal and ward officers. 10 days before election to fill vacancies.		Town officers Village officers		
Maine Public Laws 1913, Ch. 72, 127, 221; Public Laws 1915, Ch. 33, 250, amended by Public Laws 1919, Ch. 160, 165; R. S. 1918, Ch. 6.	Third Monday in June.	Polling 1% of vote for governor.	U. S. senators Congressmen Legislators State officers County officers	1 to 2% of vote cast for governor.	Before third Monday in April.
Maryland Laws 1908, Ch. 737, Sec. 160a; Laws 1910, Ch. 741, Sec. 160a, 249; Laws 1912, Ch. 2 and 134; Laws 1914, Ch. 163, Sec. 160a; and Ch. 160a, 261, 475, 761, 772, 774; Laws 1920, p. 114, 184; Laws 1916, Ch. 160, 292.	Not earlier than eighth nor later than fifteenth day of September, determined by agreement of party authorities, except in presidential years when primary is held on first Monday in May. First Tuesday of April for Baltimore.	Casting 10% or more of total vote.	Officers of Baltimore County officers Judges Congressmen Does not apply to county officers and legislators in Howard County. Applies to county commissioners of Ann Arundel County.	None required.	30 days for state and 20 days for local officers.

Massachusetts General Laws 1921, Ch. 52 and 53.	Eighth Tuesday before election for state. Third Tuesday for cities. Second Tuesday for towns. Last Tuesday in April for presidential. Second Tuesday before special election. In cities fixed by party authority, but no two parties hold a caucus on same day.	Polling 3% of entire vote of state or other political subdivision.	All state officers All elective officers The question of adopting or discontinuing the primary is submitted at every town and city election. Delegates to National Convention who may declare their preference for President. Cities may by referendum vote decide to nominate candidates by ballot at a caucus.	1,000 voters, not less than 250 from each of 4 counties, for state officers; for all other officers, 5 for each ward or town, but not to exceed 250. Filed fifth Tuesday preceding primary, except special elections, then second Tuesday preceding primary. Cities and towns, 10 days before primary. For state officers, at least 1,000 voters; all others, 2 signers for each 100 voters, but not less than 50 nor more than 1,000; town officers, 1 signer for each 50 voters, but not less than 20. Filed sixth Monday before primary for state officers; cities, second Wednesday; towns, second Thursday.	Certificate of nomination for state officer filed seventh Monday and for all others fifth Thursday before election; cities, third Monday before election; towns, second Wednesday.
Michigan Laws 1881, Act 164; Laws 1909, Act 281; amended Laws 1919, Act 400; Laws 1911, Act 169; Laws 1912, 1st Ex. Sess., Act. 9; Laws 1913, Act 140.	Second Tuesday in September preceding general elections. First Wednesday in March prior to spring election. Third Tuesday prior to charter election in cities. First	Casting 10% of vote of state.	Governor Lieutenant Governor U. S. senator Legislators City officers in cities of less than 70,000 if approved by a referendum vote	From 2 to 4% of party vote. 1% to 4% of party vote for state representative and county officers.	

MANDATORY PRIMARY—Continued

OFFICES FOR WHICH CANDIDATES ARE NOMINATED AT PRIMARY				
STATE AND CITATION	DATE OF PRIMARY	PARTIES TO WHICH APPLICABLE	Mandatory	Personal Declaration of Candidate (Date of Filing)—Number Days Before Primary
109, 144, 392; Laws 1921, Act 67; Act 372, P. A. 1919; Act 9, Ex. Sess. 1912; Act 392, P. A. 1913; Act 400 of 1921.	Monday in April for President and delegate to National Convention. Special primary held not less than 20 days prior to election.		District officers City officers in cities of over 70,000 Congressmen Circuit judges Township and village officers if petitioned for County officers	All filed 31 and 21 days before primary. 10 days in township election. In cities or counties of over 250,000 candidates may merely file a declaration of intention and pay a fee.
Minnesota R. L., Sec. 181; amended Laws 1912, Ch. 2; Laws 1913, Ch. 389; Laws 1915, Ch. 76, 102, 167; R. L., Sec. 217, amended Laws 1913, Ch. 389; Laws 1913, Ch. 406; R. L., 184, amended Laws 1907, Ch. 226; Laws 1909, Ch. 95; Laws 1912, Ch. 2; Laws 1913, Ch. 389; Laws 1919, Ch. 5, 452; Laws 1921, Ch. 48, 322; Statutes 1913, Sec.	Third Monday in June preceding general election. Seven weeks preceding city election in cities of first and second class. Special primaries are held 7 days before the special election. Second Monday in May biennially in the odd-numbered years, in cities of first class.	Polling 5% of total vote and having candidates at last preceding election.	State offices Congressional or judicial district office County, legislative or municipal Delegates to county convention U. S. senators Judges of Supreme Court	1% of total vote at general election. 5% of entire vote cast in the district. 10% of entire vote cast in county or city. Non-partisan primary ballot not less than 50 nor more than 100. Judges of Supreme Court, 500; judge of district court, 250.
				15-20 days. 40 days. 40 days.

MANDATORY PRIMARY—Continued

OFFICES FOR WHICH CANDIDATES ARE NOMINATED AT PRIMARY		PARTIES TO WHICH APPLICABLE	DATE OF PRIMARY	STATE AND CITATION
Mandatory	Nominating Petitions (Number of Signers)			
Personal Declaration of Candidate (Date of Filing)—Number Days Before Primary				
Filed when nomination petition first begins to circulate.				
At least 2% of party vote, not exceeding 1,000 for state and dis- trict and 500 for any other office. Filed 20 days before primary for state and 15 days for local offices.	U. S. senators State officers District officers County officers City and town officers (3,500 or more) Delegates to Constitu- tional Convention Presidential electors	All parties.	70 days before any gen- eral election and 14 days before city elec- tions. Last Tuesday of May of presidential years.	Montana Revised Codes 1921, Sec. 631-676.
Not more than 5% of voters need sign. Not less than 1,000.	State offices	At least 1% of entire vote at last election.	Third Tuesday in Au- gust in even-numbered years. Presidential primaries are held on third Tuesday in April. Special primaries are held 4 weeks before election. Cities, 5 weeks before election.	Nebraska Acts 1907, p. 202; 1909, p. 246; 1911, p. 220; 1921, p. 302; 1915, p. 102; 1905, p. 338; 1918, Sp. Sess., p. 33; 1917, p. 113.
Not less than 200 and not exceeding $\frac{1}{4}$ total number of voters.	City and county offices			
Not less than 50, and not to exceed $\frac{1}{4}$ total number of voters.	Township offices Precinct offices Ward offices			
Non-partisan ticket.	Judges of Supreme Court Judges of district court			

			County judges State superintendent of education County superintend- ents Regents of State Uni- versity		
Nevada Laws 1913, p. 476; amended Laws 1920- 21, p. 388; Revised Laws 1919, p. 2713- 2723.	First Tuesday of Sep- tember.	Casting 10% of total vote for representative in Congress.	U. S. senator Congressmen State senators State officers Assemblymen Justice of Supreme Court District judge District officers County officers Town officers Township officers Justice of Peace Presidential electors	10 or more voters, 40- 60 days before primary.	Not less than 30 days prior to primaries.
New Hampshire Public Statutes, Suppl. 1901-1913, p. 48; Laws 1921, p. 165.	First Tuesday of Sep- tember biennially in the even-numbered years.	Polling 3% of total vote for governor.	State officers Congressmen Councilors State senators State representatives County officers	Governor, 200 Congressman, 100 Councilor, 50 County officers, 20 State senator, 15 State representatives, 5 Town officers, 5	Not more than 60 days and not less than 24 days with Secretary of State; others not less than 27 days.
New Jersey Laws 1920, Ch. 349; Laws 1919, Ch. 32; Laws 1916, Ch. 41, 277; Laws 1915, Ch. 319; Laws 1914, Ch.	Fourth Tuesday of Sep- tember before general election. Fourth Tues- day in April in presi- dential years. Not	Parties polling 10% of total state vote at election for members of General Assembly.	Delegates and alter- nates to the National Convention Members of state, county, and municipi- pal committees	President, 1,000 Governor and U. S. senator, 1,000 Representatives, 200 Delegate or alternate, 100	30 days prior to pri- maries.

MANDATORY PRIMARY—Continued

OFFICES FOR WHICH CANDIDATES ARE NOMINATED AT PRIMARY				
STATE AND CITATION	DATE OF PRIMARY	PARTIES TO WHICH APPLICABLE	Mandatory	Nominating Petitions (Number of Signers) Personal Declaration of Candidate (Date of Filing)—Number Days Before Primary
108; Laws 1912, Ch. 388; Comp.Stat. 1910, p. 2162.	earlier than 30 days nor later than 20 days prior to special elections.		Congressmen U. S. senator Governor State representatives City commissioners	City commissioners, $\frac{1}{2}$ of 1% of total vote cast at general election Township and ward, 25
New York Consolidated Statutes 1921, p. 241; Laws 1909, Ch. 22; Laws 1911, Ch. 891; Laws 1913, Ch. 587, 820; Laws 1914, Ch. 5; Laws 1921, Ch. 479.	Fall primary is held eighth Tuesday before general election and in addition a spring primary is held the first Tuesday in April in years of presidential election.	Party polling at least 15,000 votes at last election for governor.	All candidates for public office except presidential electors Justice of Supreme Court Town officers School district officers City officers State officers	3% of total number of enrolled voters except Judge of City Court of New York and of Court of General Sessions, 1,500. City officers in cities of more than 1,000,000 population, 1,500. Officers in other first-class cities, counties and boroughs of 250,000 population, 1,000. County and borough offices (25,000–250,000 inhabitants), 500. Second-class cities, 500. Congressional and senatorial district offices, 500. Other county offices, 250. Third-class cities, 250. Assembly district offices, 250.
				Signatures cannot be made earlier than 11 weeks before primary. Filed fifth to fourth Tuesday before primary.

North Carolina Laws 1915, Ch. 101; Laws 1917, Ch. 218.	First Saturday in June preceding general election. Second or runoff primaries are held 4 weeks after the first primary, only as between the two highest candidates.	All parties having candidates voted for at general election in 1914 and others which may be declared a party by 10,000 voters. Act does not apply to 39 designated counties as to county officers and members of lower house of state legislature, but on petition of $\frac{1}{3}$ of voters question of holding a primary may be submitted to voters and if a majority are favorable, the primary afterwards applies to such county.	Congressmen Judge of Supreme Court Solicitors of judicial districts State officers Legislators County officers U. S. senators	.....	6 weeks and 2 weeks before primary.
North Dakota Laws 1913, Sec. 851; Laws 1915, p. 192.	Last Wednesday in June in years when general elections are held. Municipal primaries are held on first Tuesday of March.	Casting 5% of total vote for governor.	National delegates Presidential electors Congressmen State officers County officers District assessors Judges of Supreme and district courts Legislators County commissioners U. S. senator	For U. S. senators, congressmen and state officers, 3% of total vote, but not to exceed 300. County or district offices, 5% of total party vote, but not to exceed 200. Municipal officers: names of at least 5% of the votes cast for mayor the preceding election. Municipal officers on non-partisan ticket: 10% of electors in the ward or precinct for which the officer is to be elected.	60-30 days for U. S. senators, congressmen and state officers. County or district offices, 30 days. Nominations for municipal offices must give notice of not more than 20 nor less than 10 days. Nominees for municipal offices on non-partisan tickets must file petition at least 20 days before election.

MANDATORY PRIMARY—Continued

STATE AND CITATION	DATE OF PRIMARY	PARTIES TO WHICH APPLICABLE	OFFICES FOR WHICH CANDIDATES ARE NOMINATED AT PRIMARY		
			Mandatory	Nominating Petitions (Number of Signers)	Personal Declaration of Candidate (Date of Filing)—Number Days Before Primary
Ohio General Code, 1921, Ch. 6, p. 1226.	Last Tuesday in April for presidential election and all other officers second Tuesday in August. Primaries for special elections are held at least 2 weeks prior to election.	Casting 10% of total vote for governor.	Senators Congressmen State officers District officers County officers Municipal officers Committees of political parties	5 electors.	Not less than 60 days before primary.
Oklahoma Revised Laws, 1910, Sec. 449-454, 3024-3076; Laws 1915, p. 245, 1916, Ch. 25.	First Tuesday in August of each even-numbered year. Special primaries on a day fixed by the governor. Cities and towns third Tuesday in March in year when municipal elections are held.	Each political party entitled and intending to make nominations for the next general election.	State officers District officers County officers Township officers Precinct officers U. S. senators Member of legislature Presidential electors Congressmen District judges City officers Town officers	None required.	Not more than 100 nor less than 50 days before primary. In special primary election not less than 10 days before. For county and township officers not more than 90 nor less than 30 days before.
Oregon Oregon Laws 1921, Sec. 3955.	Third Friday in May of even years.	All parties casting 20% of entire vote for presidential electors at last general election.	U. S. senators Congressmen State officers District officers	For municipal and single county offices signed by electors in $\frac{1}{3}$ of precincts of such city or	Each candidate files a personal declaration.

<p>Pennsylvania</p> <p>Comp. Statutes, 1920, Sec. 9664-9724; Laws 1881, Ch. 128; Laws 1917, Ch. 244; Laws 1919, Ch. 836, 839; Laws 1913, Ch. 719; Laws 1921, p. 423.</p>	<p>Third Tuesday in September in odd-numbered years. Third Tuesday in May in even-numbered years.</p>	<p>Each party which polled in at least 10 counties 2% of largest vote in those counties for any officer, and 2% of largest entire vote in state for any candidate. Any party which polled 5% of largest entire vote in any county, for officers for that county.</p>	<p>County officers City officers Town officers Precinct officers Local judges Prosecuting attorneys Members of legislature</p>	<p>U. S. senator Congressmen State officers County officers City officers Ward officers Borough officers Township officers School district officers and all other election offices except presidential electors.</p>	<p>county. For state or district officers, electors in $\frac{1}{8}$ of precinct in each of 2 counties in district. For state at large, electors in $\frac{1}{10}$ of precincts in each of 7 counties. For congressional district, electors in $\frac{1}{10}$ of precincts in $\frac{1}{4}$ of counties in district. In each case 2% of party vote in electoral district, but not to exceed 1,000 for state or congressional, or 500 for other offices. Filed for state and district officers 35 days and for local officers 30 days before primary.</p> <p>President and U. S. senator in each of at least 10 counties. State officers, congressmen at large. Delegates at large to National Convention and national committee-men, judges, supreme and superior courts, 100 electors in 5 counties. Congressmen, delegates to National Convention, judges,</p>
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MANDATORY PRIMARY—Continued

OFFICES FOR WHICH CANDIDATES ARE NOMINATED AT PRIMARY				
STATE AND CITATION	DATE OF PRIMARY	PARTIES TO WHICH APPLICABLE	Mandatory	Personal Declaration of Candidate (Date of Filing)—Number Days Before Primary
South Carolina Code of 1912, Vol. 1, Ch. 13; amended by Laws 1915, p. 163 and 81.	Last Tuesday in August of each election year; second and third primaries each 2 weeks successively thereafter, if necessary.	All parties.	Governor Lieutenant governor State officers Circuit solicitors U. S. senators Congressmen	state senators, municipal officers elected from senatorial districts, by 200 electors. State representatives, state committeemen, county officers, 100 electors. Inspector of elections, 5 electors. All others, 10 electors. President, U. S. senators, congressmen, state officers, delegates to National Convention, state or national committeemen, 40 days prior to primary. All other cases 4 weeks prior to primary.
			None required.	.....

South Dakota Laws 1917, Ch. 234; Laws 1897, Ch. 60, amended Laws 1918, Ch. 44, 46; Revised Code 1919, Sec. 7097- 7209.	Fourth Tuesday in March in each even- numbered year. Sec- ond Tuesday in No- vember of each odd- numbered year for the election of one commit- tee-man and three pro- posal-men from each precinct, known as the initiatory precinct elec- tion.	Any political organiza- tion which has had can- didates for state offices on the official ballot at the last general elec- tion, or which now has or shall hereafter ef- fect a national organi- zation.	County officers Legislators City officers President Vice-President Congressmen State officers County officers County officers Legislative officers District officers U.S. senators Supreme judges Circuit judges	200 or more for state, county or district of- fice; 5 or more for township office. Not less than 1% of the electors of the party vote cast for governor at the last general election in the state, county or district from which the candidate is proposed.	On or before January first preceding the pri- mary. For state offices 90 days. For county offices 70 days.
Tennessee Laws 1901, Ch. 39; Laws 1917, Ch. 118, amended Laws 1921, p. 16; Shannon's Code 1919, Sec. 1307a-1 to 1307b-29.	First Thursday in Au- gust of the even-num- bered years.	Casting 10% of entire vote for governor.	Members of legislature Governor Railroad commission- ers Congressmen U.S. senators	25 voters, filed 60 to 30 days before primary.	.....
Texas Complete Statutes 1920, Sec. 3084-3174; Laws 1905, Sp. Sess., p. 542; Laws 1918, Sp. Sess., Ch. 60, 90; Laws 1911, p. 18; Laws 1907, p. 328; Laws 1915, Ch. 16; Laws 1909, 2, Sp. Sess., p. 452.	Fourth Saturday in July in even-numbered years. Second pri- mary, fourth Saturday in August, if necessary. Special primary date determined by party committee. City and town primaries, 10 days before election.	Parties casting 100,000 votes at last general election.	Governor State officers Congressmen District officers County officers U.S. senators City officers Town officers	Signed by candidate, or by 25 voters.	Not later than first Monday in June preceding primary. County officers not later than Saturday before third Monday in June.

MANDATORY PRIMARY—Continued

STATE AND CITATION	DATE OF PRIMARY	PARTIES TO WHICH APPLICABLE	OFFICES FOR WHICH CANDIDATES ARE NOMINATED AT PRIMARY		Personal Declaration of Candidate (Date of Filing)—Number Days Before Primary
			Mandatory	Nominating Petitions (Number of Signers)	
Utah Compiled Laws 1917, Sec. 2150-2151, 2325.	Second Tuesday preceding general municipal election.	.....	Municipal officers in first- and second-class cities Mayor, commissioner and auditor	100 qualified voters.	10 days prior to primary election for mayor, commissioner, or auditor.
Vermont General Laws, Sec. 95-161; Laws 1919, Ch. 1, 2, 4; Laws 1921, Ch. 7, 8, 9, 10.	Second Tuesday in September in each even year; special primary 20 to 30 days before election.	Party polling 5% of entire vote of state for governor at preceding election.	All officers required to be chosen at general election except presidential electors and justices of peace. Does not apply to town, village, school or fire district officers.	For governor, U. S. senator and offices to be voted for by whole state, 500 signers. Representative to Congress, 250. County offices, 2% of highest vote for that office last election. Representative General Assembly, 3% of total vote for all candidates for that office, last election. For state, congressional and county officers, not less than 30 days before primary. For representatives, not less than 14 days.	.....

Washington Laws 1890, p. 400.	Second Tuesday of September, biennially. Special primaries are held 4 weeks prior to election.	Casting 10% of total vote.	U. S. senators State officers Congressmen District officers embracing more than one county State legislature Judges of Superior Court County offices City offices	.....	60 to 30 days.
West Virginia Laws 1915, amended Laws 1916, 1919.	Last Tuesday in May before a general election in presidential years; other years, the first Tuesday in August. Cities and towns fix the primary day by ordinance, at least 25 days before election.	Casting 10% of vote for governor.	President U. S. senator Congressmen State officers County officers Members of legislature District officers All other elective officers except judges City and town officers of over 10,000	1% of entire vote cast at last general election in the state, district, county, etc., for which the nomination is made. Not to exceed 1,000 nor less than 25.	At least 30 days.
Wisconsin Laws 1913, Sec. 11-1; Laws 1915, Ch. 381, 65, 604; Laws 1919, Ch. 352; Laws 1913, Sec. 35-20, 35-21; Laws 1915, Ch. 92,	First Tuesday of September for general election. Any other primary 2 weeks before election.	Casting 1% of party vote at last election. New parties filing a petition signed by $\frac{1}{6}$ of voters in any election unit will be given a place on the ticket.	U. S. senators State officers Congressmen City officers Members of legislature County officers (in counties of 250,000	Filed not later than last Tuesday of July. 1% of voters in each of at least 6 counties and 1% to 10% of total number of voters of state for state offi-	.....

MANDATORY PRIMARY—Continued

OFFICES FOR WHICH CANDIDATES ARE NOMINATED AT PRIMARY				
STATE AND CITATION	DATE OF PRIMARY	PARTIES TO WHICH APPLICABLE	Mandatory	Personal Declaration of Candidate (Date of Filing)—Number Days Before Primary
Spec. Sess., 1916, Ch. 1; Laws 1917, Ch. 566; Laws 1915, Ch. 479; Laws 1911, Ch. 515; Laws 1919, Ch. 671.			population nominated on non-partisan ballot)	Nominating Petitions (Number of Signers) cens. Congressmen, 2% of voters in ½ of the counties of the district and 2% to 10% of total vote. All others, 3% of party vote in ⅙ of election precincts and 3%-10% of total vote. City, 2% of vote cast at last election, filed 15 days before primary.
Wyoming Laws 1911, Ch. 23; Laws 1915, Ch. 160; Laws 1917, Ch. 83; Compiled Laws 1920, Sec. 2488 ff.	First Tuesday after third Monday in August. 3 weeks prior to election in cities and towns.	Casting 10% of total vote.	U.S. senator All other election officers, state, county, district Members of legislature Municipal officers in cities and towns of 6,000 or more Judges and county superintendents are nominated at primary but on a non-partisan ballot.	3% of party vote for state officers, U. S. senators and congressmen; 4% for district officers; all others, 5%.

WITHDRAWALS OR VACANCIES		PREFERENTIAL OR OPTIONAL PRIMARY	NOMINATING PETITION (NUMBER SIGNERS)	PERSONAL DECLARA- TION OF CANDIDATES (DATE OF FILING)--- NUMBER DAYS BEFORE PRIMARY	WITHDRAWALS	
Time--Number Days Before Primary	Vacancies--How Filled				Time--Number Days Before Primary	
Arizona No provision.	By party committee of unit affected; by delegate convention or special primary.	.....	.....	.....	.....	.....
California Candidates are not per- mitted to withdraw, except when names are written on ballot, then 35 days before election.	By party committee of unit affected.	.....	.....	.....	.....	.....
Colorado 10 days prior to elec- tion.	By party committee of unit affected.	.....	.....	.....	.....	.....
Florida No provision.	No provision.	The state executive committee of any par- ty may declare for the nomination of candi- dates other than for elective offices and for the selection of national committeemen, dele- gates to the National	.....	.....	.....	.....

Idaho 20 days for state or district and 10 for county officers.	By party committee of unit affected.	Convention and for President and Vice-President. The resolution must be filed with the Secretary of State 30 days before the primary. .....	.....	.....
Illinois Committeemen may withdraw; 35 days for state and 20 for county before primary.	By party committee of unit affected.	President U. S. senator	3,000 to 5,000 voters, filed 40 days before primary; held as an advisory vote only. 1,000 to 2,000 voters; 60 to 30 days before primary. 500	None required. At least 60 days. At least 25 days.
Indiana At least 25 days.	By party committee of unit affected.	President Vice-President U. S. senator Governor.....	.....	.....
Iowa No provision.	By party convention if occurring before convention and by party committee if after convention.			

WITHDRAWALS OR VACANCIES		PREFERENTIAL OR OPTIONAL PRIMARY	NOMINATING PETITION (NUMBER SIGNERS)	PERSONAL DECLARA- TION OF CANDIDATES (DATE OF FILING)— NUMBER DAYS BEFORE PRIMARY	WITHDRAWALS Time—Number Days Before Primary
Time—Number Days Before Primary	Vacancies—How Filled				
Kansas No provision.	By party committee of unit affected.	..... City offices	..... City councilman	..... 2% of party vote in $\frac{1}{4}$ of the precincts and 5% to 10% of the total vote in city.	.....
Louisiana	By party committee of jurisdiction.	Precinct committee- man .....	.....	2% of party vote in each of $\frac{1}{2}$ the precincts in the ward represent- ed and 2% to 5% of total party vote in ward. 2% of total vote of precinct. .....	.....
Maine No provision.	In manner provided for original nomination or by convention or cau- cus, or by the appro- priate committee, in case of U. S. senator a special primary may be held.	.....	.....	.....	.....

Maryland .....	.....	President of U. S.	None required.	15 days before primary.	.....
Massachusetts From 72 to 24 hours before last day for filing nomination papers.	By party committee of unit affected. In cities and towns by original petitioners.	.....	.....	.....	.....
Michigan	Special election or by party committee of unit affected.	President Members of national committee	Not less than 100 voters filed before March 1.	.....	.....
Minnesota Not fixed.	By party committee of unit affected. In case of no committee the candidate receiving second highest vote fills vacancy.	.....	.....	.....	.....
Mississippi	Filled by special primaries.	.....	.....	.....	.....
Missouri	By central committee, or by convention, or by committee of unit affected.	.....	.....	.....	.....
Montana .....	.....	President and Vice-President	2% of party vote not exceeding 1,000 signers.	.....	.....

WITHDRAWALS OR VACANCIES		PREFERENTIAL OR OPTIONAL PRIMARY	NOMINATING PETITION (NUMBER SIGNERS)	PERSONAL DECLARA- TION OF CANDIDATES (DATE OF FILING)— NUMBER DAYS BEFORE PRIMARY	WITHDRAWALS	
Time—Number Days Before Primary	Vacancies—How Filled				Time—Number Days Before Primary	
Nebraska At least 15 days.	By party committee or convention within 3 days after notice is given. At least 20 days before election. On non-partisan tick- ets by petition equal to 10% of the vote for governor.	President Vice-President	Petition.	.....	.....
Nevada	By party committee; in non-partisan office by next highest candidate or by petition.	.....	.....	.....	.....
New Hampshire .....	.....	.....	.....	.....	.....
New Jersey Candidates endorsed by petition must de- cline before 6th of April. At least 15 days before primaries.	Vacancies occurring among petition candi- dates are filled by a special committee.	.....	.....	.....	.....

New York	By committees named in nominating petition. A candidate may decline nomination to within 3 days after third Tuesday before primary.	.....	.....	.....	.....
North Carolina	Party executive committees.	Voters may express preference for President and Vice-President.	.....	.....	.....
North Dakota	By party committee of unit affected.	.....	.....	.....	.....
Ohio	By party committee of unit affected.	President Vice-President	May be signed by one elector designated for that purpose.	60 days.	48 days.
Oklahoma	Nominated by central committee or by special primary.	.....	.....	.....	.....
Oregon	Party committee of unit affected.	.....	.....	.....	.....

WITHDRAWALS OR VACANCIES		PREFERENTIAL OR OPTIONAL PRIMARY	NOMINATING PETITION (NUMBER SIGNERS)	PERSONAL DECLARA- TION OF CANDIDATES (DATE OF FILING)— NUMBER DAYS BEFORE PRIMARY	WITHDRAWALS	
Time—Number Days Before Primary	Vacancies—How Filled				Time—Number Days Before Primary	
Pennsylvania Candidate may with- draw before 4 o'clock Friday succeeding last date for filing peti- tions.	Vacancies after pri- mary filled according to party rules. Before primary by original signers of petition.	President	100 electors in each of at least 10 counties.	.....	Friday succeeding last day for filing petitions.	
South Carolina	By party committees.	None.	.....	.....	.....
South Dakota .....	.....	None.	.....	.....	.....
Tennessee .....	.....	.....	.....	.....	.....
Texas Withdrawal 20 days before election. For city offices 10 days be- fore.	Executive committee of party.	For parties polling 10,000 and less than 100,000 for governor at last election. City primaries.	.....	.....	.....
Utah .....	.....	.....	.....	.....	.....

Vermont State or congressional, 30 days before election. County office 20 days before. Representa- tive General Assembly 12 days before. (Death): State, con- gressional or county, 15 days. Representa- tive 7 days.	By campaign or party committee, or conven- tion or caucus of party.	Optional for candi- dates not specified and for independent candi- dates. There is a pref- erential primary for President.	.....	.....
Washington	In manner required for original nomina- tions. By party com- mittees.	.....	.....	.....
West Virginia .....	.....	President	Nominating petitions.	.....
Wisconsin .....	.....	President and Vice-President	1% to 10% of party vote, and a statement in 5 words of party principle.	.....
Wyoming	Party committees.	.....	.....	.....

WITHDRAWALS	OPEN OR CLOSED		ROTATION OF NAMES ON BALLOT	FIRST AND SECOND CHOICE		VOTE NECESSARY TO NOMINATE
	Closed (Qualification of Voters)	Open		First	Second	
Vacancies—How Filled						
Arizona	Precinct registers disclose the party affiliation of the voters. Registration required. Each party has separate ballot.	.....	When two or more.	First choice only.	.....	Highest vote.
California	Separate ballots of different color, except that ballots for judicial, school, county, municipal and township offices are alike and are non-partisan. The register shows the affiliation of the voters. Voters must be registered.	.....	Rotated by districts.	First choice only.	.....	Highest vote. If any candidate for a judicial, school, county or township office receives a majority of the vote cast, his name is the only one printed on the ballot. Members of county committee must receive the minimum number of votes required to sign a nominating petition.
	Separate ballots. Each voter must declare his party affiliation, and be registered.	.....	In order of filing, by groups.	.....	.....	.....
Colorado .....	.....	Voters must be registered. All	Candidates designated by conventions, in the order of the number of con-	First choice only.	.....	Plurality vote.

Florida	Voters are required to register and to indicate their political affiliation and occupation when registering. They are also required to pay poll tax. Each party has its own ballot. If at last preceding election, a voter has voted for one candidate only of another party, he cannot vote in the primary. State executive committee may prescribe other qualifications for electors.	tickets are printed on the same ballot, each ticket being appropriately designated. 	vention votes received by each; petition candidates follow convention candidates in alphabetical order. Names printed in alphabetical order, not rotated.	.....	Both first and second choice.	Majority vote required to nominate where second choice is not required. Majority of first choice nominates, but if first choice is not a majority, second choice is added and highest vote elects.
Idaho	Voters must be registered and adherents of the party with which they vote. Party committees may prescribe rules restricting voting to members of party.	.....	Arranged alphabetically.	First choice only.	.....	Highest vote.

WITHDRAWALS	OPEN OR CLOSED		ROTATION OF NAMES ON BALLOT	FIRST AND SECOND CHOICE		VOTE NECESSARY TO NOMINATE
	Closed (Qualification of Voters)	Open		First	Second	
Vacancies—How Filled						
Illinois	Each party has separate ticket, and voters must declare their party affiliation and they must not have voted with any other party for 2 years. In cities, registration is required. If more votes are cast in any party than there are names on the poll books, the excess ballots are destroyed.	.....	Rotated by senatorial districts.	First choice only.	.....	Highest vote.
Indiana By state convention.	Support of majority of candidates either: (1) at last, or (2) at next election. Registration not required, but last registration books are used. Each party has own ballot.	.....	When four or more.	First choice only.	.....	Highest vote.
Iowa	Voter must be registered according to his party affiliation. The affiliation of voters was recorded in 1908, and the list is pre-	.....	Rotated by counties and minor subdivisions, beginning with most populous.	First choice only.	.....	Highest vote; but must receive 35% of the vote cast.

<div>Kansas</div> <div>.....</div>	<div>served and used as a check list. If a person desires to change his party affiliation, he must file a statement 10 days before the primary. First voters and voters who change their residence declare their party affiliation and are so recorded on the registration list.</div>	<div>.....</div>	<div>Names are totaled by districts of the state or other unit.</div>	<div>First choice only.</div>	<div>.....</div>	<div>Highest vote.</div>
<div>Louisiana</div> <div>.....</div>	<div>Registration required. In registering a voter may or may not declare his party affiliation, but if he does not declare his party affiliation, he cannot vote at the primary. The state central committee may also prescribe additional qualifications.</div>	<div>.....</div>	<div>Names are arranged alphabetically on the ballot.</div>	<div>First choice only.</div>	<div>.....</div>	<div>Majority of votes cast. If no person receives a majority and one of the highest candidates retires, other candidate is declared nominee, otherwise the highest candidates run in second primary. If a candidate for governor receives a majority at the first primary no second primary is held for any state offices.</div>

WITHDRAWALS	OPEN OR CLOSED		ROTATION OF NAMES ON BALLOT	FIRST AND SECOND CHOICE		VOTE NECESSARY TO NOMINATE
	Closed (Qualification of Voters)	Open		First	Second	
Vacancies—How Filled						
Maine	Registration is required in some districts. Each party has its separate ballot.	.....	Do not rotate. Alphabetical arrangement.	First choice only.	.....	Highest vote.
Maryland	Registration is required and registration books show party affiliation. Each party has its own ballot. If a registrant does not disclose his party affiliation he cannot vote at primary, but may vote at general election. Changes in party affiliation must be made 6 months before primary.	.....	Names arranged alphabetically.	.....	First and second choice.	Highest vote.
Massachusetts	Separate ballots; voters are enrolled by party affiliation and roll is preserved for 3 years.	.....	Arranged alphabetically.	First choice only.	.....	Plurality vote.
Michigan	Registration required. Separate ballots.	.....	Rotate when two or more names.	First choice only.	.....	Highest vote, but must be 5% of total vote cast.

Minnesota	Generally supported party at last election and intends to do so at next election. Registration required.	May vote non-partisan ticket without reference to party affiliation.	More than two.	First.	.....	Highest vote. Two highest votes on non-partisan ticket. Candidate must receive at least 10% of vote cast to secure nomination.
Mississippi	Registration required. Intention to support party nominees has been in accord with the party within the 2 preceding years.	.....	Left to discretion of the county executive committee.	First only.	.....	Highest vote. Plurality vote if candidates for legislative, county or county district offices agree. In first primary, candidate must receive majority of vote cast, but if no one receives a majority, the two highest enter the second primary.
Missouri	Support of party. Registration required. Separate ballots.	.....	When two or more.	.....	.....	Highest vote.
Montana By party committee of unit affected.	Each party has its own separate ballot.	.....	Rotated by names.	First only.	.....	Highest vote.
Nebraska	Registration required. Support of majority of candidates at next election.	.....	Rotated by office divisions.	First choice.	.....	Highest vote.

WITHDRAWALS	OPEN OR CLOSED		ROTATION OF NAMES ON BALLOT	FIRST AND SECOND CHOICE		VOTE NECESSARY TO NOMINATE
	Closed (Qualification of Voters)	Open		First	Second	
Vacancies—How Filled						
Nevada	Each party has a separate ballot; non-partisan ballot is common. Registration required.	.....	Alphabetical arrangement.	First only.	.....	Highest vote.
New Hampshire	Registration required.	.....	Rotates if there are two or more candidates.	First only.	.....	Plurality of votes.
New Jersey	Registration required.	.....	Alphabetical.	.....	.....	Plurality.
New York All expenses of the primary are paid from public funds.	Registration required. Each party has its own ballots.	.....	Order determined by board or officer with whom designations are filed.	.....	.....	Highest vote.
North Carolina Expenses are paid by state and county.	Registration required. Each party has its own ballot.	.....	Two or more names.	First choice only.	.....	Highest vote for President and Vice-President, and majority for all others.
North Dakota All expenses are paid by the state or county.	Party affiliation required. Each party has a separate ballot. Registration	.....	If one or more names.	First choice only.	.....	Highest vote over 25% of average total vote cast for governor, Secretary of

	is not required, but poll books are used.					State and Attorney General at last general election. Of non-partisan candidates, the two receiving the highest votes are nominated. U. S. senator, highest vote.
Ohio	Voters must be registered where registration is required. Each party has a separate ballot.	.....	Names are rotated when two or more.	First choice only.	.....	Plurality.
Oklahoma	Qualified electors or those who will be so before next general election. Party affiliation required.	.....	Each name to appear at head of list an equal number of times with all other names, etc.	First choice only.	.....	Highest vote.
Oregon	Registration and party affiliation. Each party has separate ballots.	.....	When two or more persons are candidates for same office.	First choice only.	.....	Plurality.
Pennsylvania Original petitioners.	Same as qualifications of electors at general elections, except as to payment of taxes. Must have paid state or county tax within two years. Party affiliation required. Must register where registration is required.	.....	.....	First choice only.	.....	Plurality.

WITHDRAWALS	OPEN OR CLOSED		ROTATION OF NAMES ON BALLOTS	FIRST AND SECOND CHOICE		VOTE NECESSARY TO NOMINATE
	Closed (Qualification of Voters)	Open		First	Second	
Vacancies—How Filled						
South Carolina	Must be a club member, and enrolled on the books of the club.	.....	.....	First choice only.	.....	Majority of votes cast for the office for which the person is a candidate. If no person receives a majority, a second or run-off primary is held for the two highest can- didates, and in the event of a tie in the second pri- mary, a third primary is held.
South Dakota Proposal meeting or party committee.	Party allegiance is neces- sary. Each party has separate colored ballots.	.....	.....	First choice only.	.....	Highest vote.
Tennessee By convention or spe- cial primary.	Must affiliate with par- ty; poll tax must be paid. Each party has separate colored ballot. Must reg- ister where registration is required.	.....	Alphabetical arrange- ment.	First choice only.	.....	Highest vote. If there is a tie vote between the highest candidates, a run- off primary is held 20 to 30 days thereafter.
Texas Special primary.	Payment of poll tax in cities of 10,000. Execu- tive committee may prescribe additional quali- fications. Party affilia- tion.	.....	Determined by lot.	First choice.	.....	Majority of all votes cast for such office for state or district offices. If no person has a majority a second primary is held as between the two high-

Utah	Registration required.	.....	.....	First only.	.....	est. County executive committee may decide whether majority or plurality for county officers.
Vermont	Party affiliation required. Each party has its own ballot.	.....	.....	First only.	.....	Sufficient number of candidates having the highest vote.
Washington	Support of majority of candidates at next election. Each party has a separate ballot. Registration required.	.....	Rotated by office divisions.	First only.	.....	Plurality of all votes cast by a party.
West Virginia By party committees.	Voter must swear that he is a member of the party with which he intends to vote. Each party has separate colored ballots.	.....	Changed as often as there are candidates in the office division in which there are the most names.	.....	.....	Plurality votes cast for the office.
Wisconsin By the party committees.	Each party has a separate ballot.	.....	Rotated by election districts.	First choice.	.....	Plurality of votes cast for the candidate for the office.
Wyoming	Each party has a separate ballot.	.....	Names are arranged alphabetically.	First only.	.....	Plurality. But if all candidates for an office receive less than 10% of the total vote in the unit, the highest candidate is regarded as an independent candidate.
						Plurality.

ELECTION OFFICIALS		PARTY COMMITTEES			
County Board	Election Board (Each Precinct)	State Central Committee		Congressional District Committee	
		Consists of	Officers—Elected by the Committee	Consists of	Officers—Elected by the Committee
Arizona County and city clerk prepare ballots. City, county or state pays all expenses.	One inspector Two judges Two clerks Same pay as at general election.	All county chairmen of state and one person in addition from each county committee and one additional for each 200 voters in county, elected by and from the several county committees.	Chairman Secretary Treasurer Executive committee of one member from each county and one additional for each 1,000 voters.	.....	.....
California County and city clerks prepare ballots.	Same officers and com- pensation as at general election.	At least three members from each congressional district, elected by the state convention.	The state central com- mittee elects an execu- tive committee and chooses its other offi- cers.	Not less than 15 nor more than 35 members, selected by the state executive committee and the candidate for congress from the dis- trict.	.....
Colorado County and city clerks prepare ballots. Ex- penses paid by state, county or city.	Same as general elec- tion, and same com- pensation.	The chairmen and vice- chairmen of the several county committees and the candidates nomi- nated for office. If a county polled 10,000 votes for governor, it is	Chairman Vice-Chairman Secretary	The chairmen and vice- chairmen of the coun- ties of the district and the candidates nomi- nated for office. Meet 10 days after primary.	Chairman Vice-Chairman Secretary

Florida Same as general election. Expenses are paid by state or county.	Same as general election.	entitled to two more members, one a woman, and two for each additional 10,000, to be elected by the county committee. Meet within 10 days after primary.	Chairman Other officers deemed necessary.	Consists of one member from each county, elected at the primary. Organize within 30 days after election.	Chairman Other officers deemed necessary.
Idaho County auditor prepares ballots.	The compensation of the election boards and the cost of the polling places are paid by the parties. The county furnishes ballots and supplies.	One member from each county elected by the county convention.	Chairman Secretary Meets on fourth Tuesday of August after primary. Fills vacancies in committee.	.....	.....
Illinois County or municipal clerk prepares ballots. There are also city and county boards of election commissioners. All expenses are paid from public funds.	Three judges Three clerks Same compensation as general elections.	The State Central Committee consists of one member from each congressional district, elected at April primaries. Meets within 30 days after election.	Chairman Other officers deemed necessary.	All county chairmen of the district except where county and district correspond or where county is divided into congressional districts, the precinct committeemen are members of the congressional district committee. Each commit-	Chairman Other officers necessary.

ELECTION OFFICIALS		PARTY COMMITTEES			
County Board	Election Board (Each Precinct)	State Central Committee		Congressional District Committee	
		Consists of	Officers—Elected by the Committee	Consists of	Officers—Elected by the Committee
Indiana One board of primary election commission- ers in each county and city; consists of county or city clerk and two appointive members; allowed clerical assist- ants; duty to prepare ballots. All expenses are paid by county or city.	One inspector, \$3 Two judges, \$3 Two clerks, \$3 Two sheriffs, \$3 One poll book holder for each party.	Chairman of the sev- eral congressional dis- trict committees.	Chairman Secretary Treasurer Other officers (Fixed by rules).	teeman has one vote and one additional vote for each 50 popular votes. Meets first Wednesday after first Monday after April primary as a congres- sional convention; se- lects delegates and al- ternate delegates to National Convention and recommends candi- dates for presidential electors.	Chairman Secretary Treasurer Other officers (Fixed by rules.)

Iowa	Ballots are printed by county auditor. All expenses are paid by the county or city.	Same as general election. Each judge and clerk receives 30 cents per hour.	Not less than one member from each congressional district elected by the state convention.	.....	Consists of one member elected from each county by the county convention.	.....
Kansas	County and city clerks prepare ballots. All expenses are paid by state, county or city.	Same as general election.	Consists of the chairmen of the several county committees. The executive committee of the State Central Committee consists of the congressional district chairmen and the state chairman.	Chairman Secretary Treasurer	Consists of the chairmen of the several county committees of the district, and one additional member for each 1,000 votes in excess of 1,500, elected by county committee.	Chairman Secretary Treasurer
Louisiana	Expenses of primary are borne by the state, the local governments and the candidates.	Three commissioners Two clerks Three watchers	One member from each parish; one member from each ward of the Parish of Orleans; and three members from each congressional district. Elected at the primary.	Chairman Secretary Executive committee of 15 to 25 members	Members are elected at the primary and number is prescribed by state central committee.	.....
Maine	Expenses are paid by state and local governments.	.....	The state committee is elected by the state convention, which also determines the number of members.	Chairman Secretary Other officers necessary.	The congressional committee is elected by the state convention, which also determines the number of members.	Chairman Secretary Other officers necessary.

ELECTION OFFICIALS		PARTY COMMITTEES			
County Board	Election Board (Each Precinct)	State Central Committee		Congressional District Committee	
		Consists of	Officers—Elected by the Committee	Consists of	Officers—Elected by the Committee
Maryland Boards of supervisors of election in Baltimore and in each county prepare ballots.	.....	All members of managing bodies for Baltimore, all counties, precinct, ward, cities and counties are elected at the primary.			
Massachusetts Expenses are paid by the state or local subdivision.	Two inspectors Two deputy inspectors Two tellers	Elected at primary. Consists of one member from each senatorial district, and such number of members at large as may be fixed by the committee; members at large are elected by the state convention. Organize in January.	Chairman Secretary Treasurer Other necessary officers.	.....	.....
Michigan Ballots are furnished by the county or city board of election commissioners. All expenses are borne by the public treasury.	Members of board are the same as at general election and receive same compensation, but a less number may be named.	Members elected by the county convention,	.....	County committee of each party in single county districts. County committee members residing in district and one or more electors of the district compose a committee for a joint county district.	Chairman and others.

Minnesota	Three judges Two clerks One challenger for each party including non-partisans	Two members from each congressional district. One member selected by each candidate for congress.	Chairman	Elected or appointed by the congressional district conventions.
Mississippi County executive committee discharges duties. Political parties defray all expenses incident to their primary; candidates are assessed for purpose.	Two managers Two clerks	Three members from each congressional district, chosen by the delegates from the district.	.....	Each county is represented in proportion to double its vote in House of Representatives.
Missouri All expenses are paid by state, county or city.	Same number as at general election.	Two members from each congressional district, chosen by the congressional committees. Meets second Tuesday of September after primary.	Chairman Secretary Treasurer	Chairman of county committees. County committee in single county districts. County and ward committeemen in districts composed of a county of not less than 75,000 population and a city of not less than 500,000 population. Meets third Tuesday in August after primary.
Montana All expenses paid by counties.	Three judges	Members are elected by the several county committees.	.....	Elected by the several county committees. Chairman Secretary

ELECTION OFFICIALS		PARTY COMMITTEES			
County Board	Election Board (Each Precinct)	State Central Committee		Congressional District Committee	
		Consists of	Officers—Elected by the Committee	Consists of	Officers—Elected by the Committee
Nebraska All expenses paid by city or county.	Same officers and pay as for general elections.	.....	.....	.....	.....
Nevada All expenses are paid by state and counties.	Same officers as at general election, but they serve without pay from the public treas- ury.	As many qualified elec- tors as determined by state convention.	.....	.....	.....
New Hampshire	Same as general elec- tion.	Members of the coun- ty committees consti- tute the state commit- tee.	.....	.....	.....
New Jersey .....	.....	Members of state com- mittee are elected at primary.	.....	.....	.....
New York One commissioner or county clerk.	.....	.....	.....	.....	.....
North Carolina Appointed by state board.	Registrar judges of election.	.....	.....	.....	.....

North Dakota .....	.....	One member from each legislative district selected by the county committee, if only one legislative district in a county, and if more than one by the precinct committeemen of the district; if two or more counties are embraced in a district, by the county committees of the several counties affected. Meet first Wednesday in September.	Chairman Secretary Treasurer	.....	.....
Ohio All expenses are paid out of the public treasury.	Judges and clerks of regular election serve at primary election and receive the same compensation as received for general election.	One member from each congressional district of the state, elected at primary and nominated by filing a declaration of candidacy. Organize 15 days after election.	Chairman Secretary Executive committee	Chairman of the several county committees of the district.	Chairman Secretary Executive committee
Oklahoma	Inspector, judges and clerks selected and advertised in same manner as per general elections.	.....	.....	.....	.....

ELECTION OFFICIALS		PARTY COMMITTEES			
County Board	Election Board (Each Precinct)	State Central Committee		Congressional District Committee	
		Consists of	Officers—Elected by the Committee	Consists of	Officers—Elected by the Committee
Oregon All expenses paid from the public treasury.	Same as for general elections.	County members elect- ed by county central committee.	Chairman Secretary Treasurer Executive committee	County members elect- ed by county central committee.	Chairman Secretary Treasurer Executive committee
Pennsylvania All expenses paid out of the public treasury.	Regular election boards, with same com- pensation as at general elections.	Two members from each senatorial district, or when district is composed of more than one county, one mem- ber from each county, elected at primary. Organized not later than fifth Wednesday following election.	Chairman Secretary Treasurer Executive committee.....	.....	.....
South Carolina The party committees furnish all ballots, and ballot boxes.	.....	One member from each county, elected by the county conventions and the state chairman.	Chairman and other officers.	.....	.....
South Dakota	Same officers and com- pensation as general election.	One member elected at primary from each county.	Chairman Secretary Treasurer Chairman is elected by direct vote at pri- mary.	.....	.....

Tennessee Expenses are paid out of the public treasury.		Same officials and compensation as general election.		State executive committee consists of two members from each congressional district, elected at the primary.	
Texas		Presiding judge appointed by county executive committee. Associate judge, two clerks, selected by judge. Two supervisors chosen by any one-fourth of party candidates.		Chairman (elected by state convention).	County chairman.
Utah		Judges same as for general municipal elections.		.	. . . . . . Chairman
Vermont		Same as for general elections.		Two voters, one male and one female, from each county, recommended by the members of the state convention from each county and elected by the convention.	. . . . .
Washington		Same officers and same compensation as general election.		One committeeman from each county, elected by county committee.	. . . . .

ELECTION OFFICIALS		CONGRESSIONAL DISTRICT COMMITTEES			
County Board	Election Board (Each Precinct)	State Central Committee		Congressional District Committee	
		Consists of	Officers—Elected by the Committee	Consists of	Officers—Elected by the Committee
West Virginia Expenses are paid out of public treasury.	.....	Two members elected at primary from each senatorial district, three additional com- mitteemen at large, se- lected by the elected committeeman.	Chairman Treasurer Secretary	One member from each county in the district, elected at the primary.	Chairman Treasurer Secretary
Wisconsin All expenses are paid from public funds.	.....	At least two members from each congres- sional district elected by the state conven- tion.	Chairman, elected by state convention.	Two persons from each assembly district there- in elected by county committee.	.....
Wyoming Expenses are paid out of the public treasury.	Same as general elec- tion and same compen- sation.	One member from each county, elected by the county committee.	Chairman Secretary	.....	.....

PARTY COMMITTEES						
County Committee		City Committee		Precinct Committee		
Consists of	Officers—Elected by the Committee	Consists of	Officers—Elected by the Committee	Consists of	How Nominated	How Elected
Arizona All precinct commit- men of the county.	Chairman Secretary Treasurer	Precinct commit- teemen chosen at regular primary.	Chairman Secretary Treasurer	One committee- man for each pre- cinct and one addi- tional for each 75 votes.	.....	Elected at pri- mary.
California Nominated as members of legislature and elected at primary; in cities and counties containing more than 10 assembly districts, 5 members are elected in each district; in counties containing 5 or more assembly dis- tricts, 1 member is elect- ed for each 700 voters; in counties containing less than 5 assembly districts, members are elected by supervisor districts, 1 member for each 20 votes. Meets on second Tuesday in September following August primary.	Chairman Secretary Other officers	.....	.....	.....	.....	.....

Colorado All the precinct committeemen and women of the county.	Chairman Vice-Chairman (woman) Secretary Candidates from county sit and vote with committee; organized 5 days after primary.	The committeemen and women resident in the city.	Chairman Vice-Chairman (woman) Secretary Candidates from city sit and vote with committee; organized 5 days after primary.	One committeeman and one committeewoman for each precinct.	.....	Elected at primary from precinct.
Florida Consists of one member from each precinct, elected at the primary. Organize within 30 days after election.	Chairman Other officers deemed necessary.	.....	.....	One member from each precinct.	.....	Elected at primary.
Idaho All precinct committeemen of the county. Meet second Saturday after primary.	Chairman Secretary Other officers necessary. (Fills all vacancies.)	.....	.....	One committeeman from each precinct.	Personal declaration.	Elected at primary.
Illinois Consists of the precinct and ward committeemen of the county. Each committeeman has one vote and one additional vote for each 50 votes cast for governor. Meets first Monday after April primary and is known as a county convention, and chooses delegates to the congressional and state convention.	Chairman Other officers deemed necessary.	Precinct or ward committeemen residing in the city.	Chairman Other officers necessary.	One committeeman from each precinct, except in cities of 200,000 or over.	Petition of 10 voters.	Precinct and ward committeemen are elected at the April primary.

PARTY COMMITTEES						
County Committee		City Committee		Precinct Committee		
Consists of	Officers—Elected by the Committee	Consists of	Officers—Elected by the Committee	Consists of	How Nominated	How Elected
Indiana All the precinct committeemen of the county.	Chairman Secretary Treasurer Other officials (Fixed by rules.)	The members of the county committee representing precincts in whole or in part in the city.	Chairman Secretary Treasurer Other officers (Fixed by rules.)	The precinct committeeman and other persons appointed by chairman.	Personal declaration, filed 60 to 30 days before primary.	Elected at primary.
Iowa One committeeman from each precinct in the county, elected at the primary. Organizes fourth Saturday after primary, immediately following the convention.	.....	.....	.....	One committeeman from each precinct is elected to the county central committee.	By personal declaration or petition of 10 voters, filed 20 days before primary.	Elected at primary.
Kansas All the precinct committeemen of the county.	Chairman Secretary Treasurer	City precinct committeemen chosen at annual primary.	Chairman Secretary Treasurer	One committeeman from each precinct.	Same as other candidates.	Elected at primary.
Louisiana	The character and composition of all local committees are prescribed by the State Central Committee and all members are elected at the primary, and each committee fills vacancies in its own membership.					

Maine The county committee is elected by the state convention, which also determines the number of members.	Chairman Secretary Other officers necessary.	The character and membership is determined by each party.	Determined by political party.	.....	.....
Massachusetts	There is a ward and town committee, the members of which are elected at the primary. The several ward committeemen constitute the city committee. The officers of each committee are a chairman, secretary, treasurer and other necessary officers. Each committee may add to its own members. Town committee organized between January 1 and March 1, and ward and city committees within 30 days after election. The party committee system of any party that polled 3% of the vote for governor is recognized by law. City and town committees fix the number of members of ward and town committees at not less than three for each ward or town.				
Michigan Consists of candidates nominated for county office.	Chairman Secretary	.....	.....	.....	.....
Minnesota Elected by the county convention.	.....	.....	.....	.....	.....
Mississippi Fifteen members. Three from each supervisor's district. Selected by county delegate convention, but any county committee may submit the choice of its successors to the primary.	Chairman	As many members as there are legislative officers in the municipality. Elected at primary.	.....	Each county is represented in proportion to double its vote in House of Representatives.	.....

PARTY COMMITTEES						
County Committee		City Committee		Precinct Committee		
Consists of	Officers—Elected by the Committee	Consists of	Officers—Elected by the Committee	Consists of	How Nominated	How Elected
Missouri All ward and township committeemen. Meets first Tuesday after primary.	Chairman Secretary Treasurer Vice-Chairman for each legislative district.	.....	.....	One committee-man from each ward or township, except in counties of 200,000 to 400,000 where there are two.	Files personal declaration.	Elected at primary.
Montana County committeemen are elected at the primary. Consists of all the precinct committeemen of the county.	Chairman Secretary	The precinct committeemen living in city precincts.	Chairman Secretary	One committee-man from each precinct.	By petition of five voters.	Elected at primary.
Nebraska Precinct committeemen.	.....	.....	.....	.....	.....	.....
Nevada Delegates from precincts in proportion to votes cast for congressmen.	.....	.....	.....	.....	.....	.....
New Hampshire Members elected at state convention by party nominees and delegates from each county.	.....	Organization effected by registered party members of the city.	.....	Organization effected by registered party members of the precinct.	.....	.....

New Jersey	.....	Members of city committee are elected at primary.	.....	.....	.....
New York	.....	Formed by rules and regulations of the party.	.....	Formed by rules and regulations of the party.	.....
North Carolina	.....	.....	.....	.....	.....
North Dakota	Chairman Secretary Treasurer and executive committee of 5 to 9 persons.	.....	.....	One committee-man from each precinct.	Voters merely write in any name they choose.
Ohio	Chairman Secretary Executive committee.	Members of the county committee chosen from precincts in the city.	Chairman Secretary Executive committee.	.....	.....
Oklahoma	.....	Chosen from wards as party may prefer.	Chairman Secretary	.....	.....
Oregon	Chairman Secretary Treasurer Executive committee	Precinct committeemen residing in city limits.	Chairman Secretary Treasurer Executive committee	One committee-man from each precinct.	Elected at primary.

PARTY COMMITTEES						
County Committee		City Committee		Precinct Committee		
Consists of	Officers—Elected by the Committee	Consists of	Officers—Elected by the Committee	Consists of	How Nominated	How Elected
Pennsylvania.....	.....	.....	.....	.....	.....	.....
South Carolina One delegate from each club in the county.	Chairman and other officers	.....	.....	One or more clubs may be organized in each township or ward.	.....	.....
South Dakota The committeemen elected from the several precincts of the county. Meets fourth Tuesday after primary.	Chairman is elected by candidates for county and legislative offices and by county committee. Secretary Treasurer	.....	.....	One committee-man from each precinct.	Names are written on ballot by voters.	Elected at primary.
Tennessee.....	.....	.....	.....	.....	.....	.....
Texas One member from each voting or justice precinct in county, elected at the primary.	Chairman elected by voters.	City chairman and one member for each ward. If no ward, four members and chairman.	.....	One member from each voting or justice precinct. Chairman is elected at primary.	By filing of requests, or if none are filed, voters write in the names of the person for whom they wish to vote.	Elected at primary

Utah.....	.....	.....	.....	.....	.....	.....	.....
Vermont Party nominees from each county elect a county committee. Election takes place at state convention.	..... .....	..... .....	..... .....	..... .....	..... .....	..... .....	..... .....
Washington All the precinct committeemen of the county. Meets second Saturday after primary.	.....	.....	.....	.....	.....	.....	Elected at primary.
West Virginia Two members from each magisterial district, and in the case of cities of 10,000 or more there is chosen one additional member from each ward, elected at the primary.	Chairman Treasurer Secretary	.....	.....	.....	.....	.....	.....
Wisconsin Consists of the precinct committeemen of the county.	Chairman Secretary Treasurer	Consists of the several precinct and ward committeemen elected from the city. Meet 10 days after primary.	Chairman and other necessary officers.	.....	.....	.....	Elected at primary.

PARTY COMMITTEES						
County Committee		City Committee		Precinct Committee		
Consists of	Officers—Elected by the Committee	Consists of	Officers—Elected by the Committee	Consists of	How Nominated	How Elected
Wyoming All precinct committee-men of county, meet first Tuesday in May as the county convention and choose delegates to the state convention.	Chairman Secretary	Precinct commit-teemen residing within city limits.	Chairman Secretary	One committee-man for each pre-cinct and two from each city ward.	.....	Elected at pri-mary.

STATE CONVENTION							
PARTY COMMITTEE	Delegates						Date of Convention
Precinct Committee	How Nominated	Personal Declaration. Days before Primary	Number from Each County	How Chosen	Withdrawals		Date of Convention
Officers—Elected by the Committee					Time—Number of Days before Primary	Vacancies—How Filled	
Arizona	The party council consists of the candidates for U. S. senator, Congress, state offices, members of the legislature, the national committeemen, the chairman and executive committee of the state committee and the several county chairmen; they meet on Tuesday following the last Monday of the month in which the primary is held, and formulate a platform. The party council remains in existence for 2 years and may be called together at any time.						
California	The state convention consists of the candidates of each party for Congress, state offices except judges and state superintendent, members of general assembly, hold-over senators and one delegate from each senatorial district not represented by a hold-over senator. The convention (1) promulgates a platform; (2) elects a state central committee, consisting of at least three members from each congressional district; and (3) nominates candidates for presidential electors. The party having no hold-over senator nominates a delegate from such district. Delegates are nominated the same as members of the legislature and are elected at the primary.						Third Tuesday in September after primary.
Colorado	The state convention consists of the candidates for state office and for the legislature, the state chairman and the hold-over senators; it meets on the fourth Tuesday in September and formulates a platform.						
Florida	No specific provisions.	.....	.....	.....	.....	.....	.....

Idaho	A county convention, composed of delegates elected at the primary, is held on the third Tuesday of August following the primary. Each precinct is entitled to one delegate and one additional for each 30 popular votes therein. The convention selects delegates to the state convention and a member of the state central committee, and may adopt a county platform. Each county is entitled to at least one delegate to the state convention and one additional for each 400 votes cast. The state convention consists of the delegates so selected. The convention adopts a platform and nominates candidates for Congress, state officers, presidential electors and U. S. senators. In nominating congressmen only the delegates from the district affected are entitled to vote. Railroad fare of delegates to the state convention is paid by the state.					Fourth Tuesday of August after primary.
Illinois .....	.....	.....	Elected by county convention.	.....	.....	First Friday after first Monday after April primary.
Indiana Chairman Secretary Treasurer Other officers (Fixed by rules.)	By petition of at least 10 party voters, filed at least 20 days before primary.	At least 20 days.	One for each 400 voters.	Elected at primary.	At least 10 days.	Within 150 days after primary.
Iowa	There are four party conventions held, a county, district, city, and state convention. The county convention is held on the fourth Saturday after the primary and consists of delegates elected at the primary from the several precincts of the county. The county convention nominates candidates for office when no candidates for any office received 35% of the vote in the primary, also for district judge, and selects delegates to the state and district conventions and a member of the senatorial, judicial and congressional districts committee composed of more than one county. Conventions may also be held in senatorial, judicial and congressional districts composed of more than one county not earlier than the first nor later than the fifth Thursday after the county convention. Such conventions make nominations for office when a candidate at the primary has not received 35% of the vote cast, and may also adopt a platform. The state convention is held not earlier than the first nor later than the fifth Wednesday after the county convention and consists of the delegates chosen by the county conventions. It nominates candidates for office when no candidate has received 35% of the vote at the primary, adopts a state platform, nominates candidates for judge of the Supreme Court and elects a state central committee of not less than one member from each congressional district. The names of candidates for delegate to the county convention are printed on stickers and pasted on the ballot, or are written in on blank lines.					

PARTY COMMITTEE	STATE CONVENTION						
	Delegates						
Precinct Committee	Officers—Elected by the Committee	How Nominated	Personal Dec- laration. Days before Primary	Number from Each County	How Chosen	Withdrawals	
						Time—Number of Days before Primary	Vacancies— How Filled
Kansas	The party council consists of the party candidates for state offices, U. S. senator, Congress, the national com- mitteemen, hold-over senators, members of legislature and the county chairmen. They formulate a platform and select an emblem, and transact other business. The platform must be made public not later than 6 o'clock of the afternoon of the day following the adjournment of the party council. Meetings of the party council may be called at any time.	.....	.....	.....	.....	.....	Last Tuesday in August following primary.
Louisiana							
Maine							
Maryland							
				State committee determines the basis of repre- sentation.	.....	.....	Not earlier than 150 days before election.
				Fixed by state committee.	Elected at primary.	.....	Not less than 60 nor more than 90 days before primary.
						.....	Not later than 5 weeks prior to general election.

Massachusetts	The state convention consists of the delegates elected at the primary, the members of the state committee, the U. S. senators, all party nominees or in years when no election is held the incumbents in office.		Number of delegates to state convention is fixed by state committee at not less than one for each ward or town.	Elected at primary.	.....	.....	Not earlier than 1 nor later than 2 weeks after primaries.
Michigan .....	.....	.....	Apportioned by State Central Committee according to the votes cast for Secretary of State.	Elected at primary.	.....	.....	Within 40 days after primary.
Minnesota .....	.....	.....	Three delegates at large from each county and additional delegates based upon vote for governor, as State Central Committee determines.	Elected by county convention.	.....	.....	During last 7 days in March.
Mississippi	By county delegate conventions.	.....	Each county has twice the number of delegates as members of the House of Representatives.	Selected by county delegations.	.....	.....	.....

PARTY COMMITTEE	STATE CONVENTION							
	Precinct Committee	Delegates				Date of Convention		
		Officers—Elected by the Committee	How Nominated	Personal Declaration. Days before Primary	Number from Each County		How Chosen	Withdrawals
Time—Number of Days before Primary	Vacancies—How Filled							
Missouri	The state convention consists of the members of the state central committee and the nominees for state office, congressmen, state senators and representatives. The platform framed by the convention is made public not later than 6 p.m. of the day following its adoption.						
Montana	The state convention consists of the candidates for state office, U. S. senator, Congress, legislature and hold-over senators and the members of the state central committee. Meet not later than September 15, preceding the election, and adopt a platform and elect a state chairman.						
Nebraska	There is a county convention and a state convention held every two years in even-numbered years. The state convention is held on Tuesday, five weeks before the primary, to adopt a platform, select a state central committee and select delegates to the National Convention. The state convention consists of delegates chosen by the county conventions. The county conventions are held on Tuesday, six weeks before the primary, and selects a county central committee and delegates to the state convention. Every two years, one week before the county convention, there is a caucus in each precinct to select delegates to the county convention.						
Nevada	County conventions are held each even-numbered year on the second Tuesday in June. The number of delegates to the convention ranges from one delegate for each 5 votes to one delegate for 50 votes for each precinct, and each precinct has at least one delegate. Five days before the county convention, a mass meeting is held in each precinct to elect delegates to the county convention. The county convention elects delegates to the state convention and elects the members of the county committee, and may adopt a county platform. The county committee consists of from one to three members from each precinct. Each county is entitled to at least one delegate to the state convention. The state convention meets on the fourth Tuesday of June, adopts a platform and elects a state central committee, of at least one member from each county, and elects delegates to National Conventions.					Fourth Tuesday in June of years in which general election is held.	

New Hampshire	.....	.....	Nominees for office of governor, councilors, state senators, representatives and state delegates.	.....	.....	Not earlier than the third Tuesday following primary nor earlier than the first Tuesday of October.
New Jersey	.....	.....	Fixed by state committee.	.....	.....	.....
New York	Petition of 250 voters.	.....	Number of delegates is in accordance with the ratio which the votes cast for governor in the assembly district bears to the total state vote.	Elected at fall primary.	By certified alternates, or a person selected by delegates present from same unit.	Seventh Tuesday preceding the general election.
North Carolina	.....	.....	.....	.....	.....	.....
North Dakota	.....	.....	.....	.....	.....	.....
Ohio	Personal declaration.	60 days.	Apportioned by the state committee.	Elected at primary.	Determined by state committee.	.....
Oklahoma	.....	.....	.....	.....	.....	.....
Oregon	.....	.....	.....	.....	.....	.....

Texas	Chairman elected by voters.	.....	.....	One for each 300 votes for governor in county.	By county conventions.	.....	.....	Tuesday after second Monday after fourth Saturday in August.
Utah	.....	.....	.....	.....	.....	.....	.....	.....
Vermont	Nominees of each party for state and county officers, and state assembly.	.....	.....	.....	.....	.....	.....	On or before first Tuesday in October in even years, and third week in May each presidential year.
Washington	.....	.....	.....	.....	.....	.....	.....	.....
West Virginia	.....	.....	.....	.....	.....	.....	.....	Between first and 15th day of August.
Wisconsin	.....	The state convention consists of the candidates for state office, hold-over senators and candidates for the legislature; it meets on third Tuesday of September. Its duties are to adopt a platform, elect a state central committee of at least two members from each congressional district and a state chairman, and elect presidential electors.						
Wyoming	.....	.....	.....	Fixed by state committee.	Elected by county committees.	.....	.....	Second Monday in May.

STATE CONVENTION				
Officers Chosen by	Candidates Chosen by	Platform	Filing Fees	Writing in Names on Ballot
Arizona .....	.....	Framed by convention.	None required.	Permitted.
California	Presidential electors.	Promulgated by convention.	State officers and U. S. senators, \$50; congressmen and district officers, \$25; members of legislature, county officers and city officers, \$10. No filing fee is required in May primaries or where there is no fixed compensation or for township or municipal officers where compensation does not exceed \$600.	Permitted.
Colorado Delegates to National Convention	Presidential electors.	Formulated by convention.	None required.	Names may be written in on ballot.
Florida .....	.....	.....	Each candidate is required to pay a filing fee of 3% of the annual salary of the office, and no fee is required if there is no compensation attached to the office. Party committees may levy 2% additional assessment on the annual salary of the candidate. No fee is charged by party committee for special primaries.	No provision.

Idaho	..... Congressmen State officers Presidential electors U. S. senators	Adopted by convention.	1% of year's salary and \$2 for legislative candidate. Paid into county treasury.	.....
Illinois	..... Presidential electors University trustees	Adopted by convention.	.....	Delegates and alternate delegates to the National Convention are elected at the primary. There is also a senatorial committee, consisting of 3 members, elected at the primary from the several counties of the district, which meets within 30 days after the primary and elects a chairman and other necessary officers. Candidates for senatorial committeemen are nominated by petition, signed by 10 electors.
Indiana	Delegates and alternate delegates to National Convention	Framed by convention.	None required.	.....
Iowa	..... Supreme judges and other candidates when less than 35% of vote at primary was cast for a candidate.	Adopted by convention.	.....	Names may be written in. Delegates to county conventions are elected at the primary.

STATE CONVENTION				
Officers Chosen by	Candidates Chosen by	Platform	Filing Fees	Writing in Names on Ballot
Kansas	Framed by party council.	<p>Fee equal to 1% of one year's salary for following officers: U. S. senator, state offices, judge of district court, county offices with salary over \$1,000, mayors of first- and second-class cities. Fee of \$5 for following officers: County offices with salary of \$1,000 or less, representative, councilmen or commissioners, second-class cities. Fee of \$10 for: Commissioner or councilmen in first-class cities, state senators, Fee of \$1 for township trustee. Fee of \$.50 for other township offices: Mayor, councilmen, police judge, third-class cities. Fee received are credited to general fund of state, county or city.</p>	Names may be written in.
Louisiana	<p>State officers and district officers, \$100; district or parish officers, \$5.00; ward office, \$1. Additional fees to defray election expenses may be collected by party. Fees are paid into the general fund of the unit affected.</p>	.....

<p>Maine</p> <p>Maryland Delegates to National Convention. The convention also selects the governing body of the party for the state.</p>	<p>.....</p> <p>Governor Attorney-General Comptroller Clerk Court of Appeals All other state officers U. S. senator Presidential electors</p>	<p>Framed by convention.</p> <p>Adopted by convention.</p>	<p>None required.</p> <p>State officers, \$270; each other candidate, \$25, except where salary is \$300 or less, then \$10, paid into general fund of unit effected.</p>	<p>Permitted to write in names.</p> <p>.....</p>
<p>Massachusetts</p> <p>Michigan</p>	<p>Presidential electors</p> <p>State officers</p>	<p>Adopted by state convention.</p> <p>.....</p>	<p>Names may be written on ballot.</p> <p>Candidates for city or county offices of over 250,000 pay $\frac{1}{2}$ to 1% of salary and fees of preceding year in lieu of a petition.</p>	<p>.....</p> <p>Writing in names is permitted. County conventions are held 15 days after primary, and the delegates thereto are elected at the primary. County conventions elect delegates to state convention.</p>
<p>Minnesota</p>	<p>State officers U. S. senator Presidential electors Delegates-at-large to National Party Convention</p>	<p>County platform framed by county convention. State platform framed by state convention.</p>	<p>\$20 for an office to be voted for in more than one county; \$10 for office to be voted for in only one county; state officers and legislators, congressmen - at large, and judges of Supreme Court, \$50; \$100 for U. S. senator. Paid into county or city treasury.</p>	<p>.....</p>

STATE CONVENTION				
Officers Chosen by	Candidates Chosen by	Platform	Filing Fees	Writing in Names on Ballot
Mississippi	State executive committee Delegates to National Con- vention Presidential electors	.....	Fees charged candidates are fixed by party committees.	Writing in names permitted.
Missouri Delegates to Na- tional Conventions Members of national committee	Presidential electors	Framed by convention.	State officers and judge Court of Appeals, \$100; representatives in Congress, \$50; circuit judge and state senators, \$25; state representatives and county offi- ces, \$5; city officers in cities of 100,000, \$10; city delegations, \$50; city officers in cities of 400,000, 2% of salary. All fees paid to party committee to de- fray expenses of campaign. Fees paid by non-partisan or independent candidates go into general fund of state or county.	Permitted in the case of com- mitteemen.
Montana.....	.....	.....	.....	.....
Nebraska	Delegates to National Con- vention.	Promulgated at conven- tion.	U. S. senator, \$50; state officers, congressmen and judges of dis- trict court, \$10; county, legisla- tive and city offices, \$5; all offi- cers on non-partisan ticket, \$10 each. Turned into general fund of counties.	Permitted for candidates for President and Vice-President.

Nevada .....	.....	Framed by convention.	U. S. senator, \$250; congressmen, governor, justice of Supreme Court, \$150, other state officers, \$100; district officers, \$75; county officers, \$40; state senators, \$30; assemblymen, \$15; town or township officer, \$10. All fees paid into the county treasury.	.....
New Hampshire	Presidential electors.	Adopted in convention.	Governor, \$100; state officers, \$50; congressmen, \$50; councilor, \$25; state senator, \$10; county officer, \$5; state representative, \$2; supervisor of check list, \$1; moderator, \$1; ward clerk \$1.	.....
New Jersey .....	.....	.....	.....	Permitted at municipal elections.
New York .....	.....	.....	.....	Writing in names is permitted.
North Carolina .....	.....	.....	Congressional office, \$50; judge of Superior Court, solicitor of judicial district, and state offices, \$20; state senator, \$5; county officers, \$5, except surveyor, coroner, and county commissioners, \$1. Payable into state and county treasury.	.....

STATE CONVENTION				
Officers Chosen by	Candidates Chosen by	Platform	Filing Fees	Writing in Names on Ballot
North Dakota	Presidential electors. Delegates to national conventions.	.....	For congressmen and state officers: 1% of the annual salary. No fee is required of U. S. senators. For county or district offices, \$3. For municipal officers: \$5 for nominations at large, \$2 for ward nominations. All fees are paid into the state or county treasury.	Writing in names is permitted.
Ohio	Presidential electors	Framed by candidates for state offices, members of general assembly, members of state executive and central committees, and the chairman of the county central and executive committees, on second Tuesday after primary and published not later than 6 o'clock P.M. on following Thursday.	One-half of 1% of salary of office, but not more than \$25; payable into the state and county treasuries.	Permitted.
Oklahoma.....	.....	.....	.....	.....
Oregon .....	.....	.....	Each county committee may assess the nominee 1% of his salary, and not less than \$10.	Blank space to be left at end of each list of candidates in which may be written name of any person.

Pennsylvania.....	.....	.....	.....	.....
South Carolina	Presidential electors	.....	.....	.....
South Dakota Chairman Two secretaries Assistants and other officers	Presidential Congressional State offices Party representatives	Paramount issues and principles proposed by the candidate for governor receiving the highest number of votes at the primary. One issue selected at state proposal meeting.	None required.	.....
Tennessee .....	.....	.....	.....	Permitted.
Texas The party convention announces nominations, elects a chairman of the executive committee and 31 members of the committee, one from each senatorial district.				
Utah.....	.....	.....	.....	.....
Vermont	Presidential electors Delegates and alternates to National Convention	Made and adopted at state convention.	.....	.....
Washington .....	.....	.....	For offices with a salary of \$1,000 a fee of \$10 is charged, and 1% of any excess. Precinct officer, \$1. Paid into county and city treasuries.	Permitted in the case of precinct committeemen.

STATE CONVENTION				
Officers Chosen by	Candidates Chosen by	Platform	Filing Fees	Writing in Names on Ballot
West Virginia	Presidential electors Judges of Supreme Court of Appeals	Framed by state committee.	.....	.....
Wisconsin.....	.....	.....	.....	.....
Wyoming	Presidential electors Delegates to National Convention	Adopted by state convention.	County and legislative offices, \$10; state and district offices, \$20. Paid into public treasury.	Permitted.

OPTIONAL PRIMARY					
State and Citation	Date of Primary	Parties to Which Applicable	Declaration of Option	Offices for Which Candidates Are Nominated	
				Mandatory	Petitions
Alabama Laws 1915, p. 218, as amended by Laws 1919, p. 969.	Second Tuesday in May of presidential years, and second Tuesday in August of every other even-numbered year.	Casting more than 25% of vote in county. Casting more than 25% of vote in state.	The executive committee of the state, county, district, or other political subdivision effected decides whether a primary shall be held, and gives published notes thereof.	State officers District officers County officers Municipal officers	None required.
Arkansas Laws 1909, p. 505; Laws 1917, p. 2287, as amended by Laws 1919, p. 12; Digest of the statutes, 1921, Sec. 3754-3782.	Second Tuesday in August preceding general elections.	Any organized party may avail itself of the act, but must print its own ballots and pay all expenses of the primary.	Apparently by the party committees.	United States senator Congressmen Members of legislature Judges State offices District offices County offices Township offices Municipal offices Circuit offices	None required.
Delaware 20 Del. Laws, Ch. 393; 27 Del. Laws, Ch. 66; 21 Del. Laws, Ch. 36; 26 Del. Laws, Ch. 46; 22 Del. Laws, Ch. 274 and 285. Acts 1915, p. 267, 268. Acts 1919,	No two political parties may hold a primary on the same day, and each party may hold primaries on not more than 2 days in any one year. Date	Casting 10% of vote of state or any subdivision thereof.	The governing authority of the party determines whether a primary shall be held, and gives proper notice.	City officers; also any other elective officer; also delegates to a convention to nominate candidates for office. If a primary is held to elect delegates	None required; but any person desiring to be a candidate must notify the party committee 10 days before the primary.

p. 232, 233; 1917, p. 296; 286 R. C. 1915, Sec. 1678-1715.		determined by party authority calling a primary; must be after third registration and in Wilmington in month of May, after registration.		to a state convention, the party pays all expenses.	
Florida Laws 1901, Ch. 5014, as amended by Laws 1905, Ch. 5471.		Held in all respects like general primary.	By city or county committee.	City officers only.	.....
Georgia Laws 1917, p. 183; Laws 1890-1, p. 210; Laws 1908, p. 55; Laws 1907, p. 98; Political Code 1914, Sec. 127-138.		Second Wednesday of September of general election years. If no candidate for U. S. senator or governor receives a majority of the county unit votes throughout the state, a second primary on such candidates is held on the first Wednesday in October. Only the two highest candidates appear in the second primary. Special primaries to fill vacancies are held on a date fixed by the party authority and a second primary within 15 days thereafter.	The decision whether a primary shall be held is made by the proper party authority and is conducted according to rules prescribed by the party authorities.	U. S. senator Governor State officers Judges of Supreme Court Judges of Court of Appeals Congressmen Judges of superior courts Solicitors-general Members of legislature City officers (cities of 75,000) County officers	No provision.

OPTIONAL PRIMARY					
State and Citation	Date of Primary	Parties to Which Applicable	Declaration of Option	Offices for Which Candidates Are Nominated	
				Mandatory	Petitions
Kentucky Laws 1912, Ch. 7, amended by Laws 1914, Ch. 83, amended by Laws 1920, Ch. 72, 156, 99; Laws 1910, Ch. 50. Carroll's Statutes, 1922, Sec. 1549a-1-1551. Laws 1922, p. 276.	Annually, first Saturday in August; third Saturday before elections in cities.	Casting 20% of total vote at presidential election.	Governing authority of each party may determine whether primary shall be held for state officers and U. S. senators; on all others, mandatory. Decision must be made 75 days before primary.	Optional with parties as to state officers and U. S. senators 40 days prior to primaries, and mandatory as to county, city and district officers. 30 days prior to primaries. The notification and declaration must be filed by each candidate and witnessed by 2 voters.	None required. In cities petitions are filed 10 days before primary and signed by 50 voters.
Virginia Laws 1912, p. 611; 1914, p. 513; 1918, p. 96.	First Tuesday in August next preceding the general election. First Tuesday in April next preceding municipal elections.	Polling at least one-fourth of the total vote cast at presidential election next preceding the primary.	The governing authority of the party of any unit determines whether a primary election shall be held therein.	U. S. senator State offices Congressmen General Assembly City offices County offices Town officers	At least 60 days before the primary, a candidate must file a declaration of candidacy. 250 signers for U. S. senators, state offices and congressmen. 50 for General Assembly, city offices, and county offices.

CERTIFICATION OF CANDIDATES	WITHDRAWALS OR VACANCIES	
	Time—Number of Days Before Primary	How Filled
Alabama State chairman certifies all party candidates for state and district offices, 20 days prior to primary; county chairman certifies all county candidates 15 days before primary.	No provisions.	Party committee of unit affected or by special primary.
Arkansas No provisions.	No provisions.	Special primary, party committee or convention.
Delaware No provisions.	No provisions.	Filled by party committee of unit affected.
Georgia.....	.....	.....
Kentucky Declaration of intention in lieu of a petition may be filed, but a fee is charged.	No provision.	By party committee of unit affected.
Virginia .....	.....	Party may nominate in accordance with its own rules.

OPEN OR CLOSED		ROTATION OF NAMES ON BALLOT	FIRST AND SECOND CHOICE		
Closed (Qualification of Voters)	Open		First	Second	Vote Necessary to Nominate
Alabama Each party uses ballots of different color. Registration required, but un-registered voters may be sworn in. The state or county committees have authority to prescribe the political or other qualifications of voters.	Alphabetical order.	.....	First and second.	Majority of first-choice votes or highest where first and second are added.
Arkansas Each party prints its own ballots. Poll tax receipt required.	Lots are cast to determine the order of names on the ballot.	First only.	.....	Not specified.
Delaware Voters are required to be registered. Party authority may prescribe qualifications for voters.	Printed in alphabetical order.	First choice only.	.....	Highest vote.
Georgia Registration is required and the party may prescribe other qualifications.	No provision.	First choice only.	.....	Candidate receiving the largest popular vote of a county, gets the entire county unit vote, which is 2 votes for each representative the county has in the legislature. A majority vote is required in the second primary for U. S. senator and governor.

Kentucky Support of party candidates at last general election. Registration showing party affiliation required if required for general election. Each party has separate ballot.	.....	Rotated by congressional districts and determined by lot in county and city.	First only.	.....	Highest vote.
Virginia Support of party presidential electors at last general election, or of the nominee for the House of Representatives, or the nominee for the House of Delegates.	.....	.....	.....	.....	Plurality vote.

ELECTION OFFICIALS		PARTY COMMITTEES	
County	Election Board (Each Precinct)	State Central Committee	Congressional District Committee
Alabama Probate judge of county prepares all ballots.	Same as for general elections, 6 in all; also same compensation as general election, paid from county treasury.	A committee of each party for the state and for each political subdivision of the state may be provided, to be selected in such manner as may be prescribed by the governing authority of the party. If no committee is selected for any political subdivision, then all such powers are exercised by the state executive committee. In political subdivisions greater than a county, the committee consists of not less than one member for each county. The names assigned to these committees are the State Executive Committee, County Committee, and Congressional Committee; apparently there are also committees in each judicial circuit, chancery division and senatorial district. Vacancies are filled by or as the State Executive Committee may direct.	
Arkansas Each party committee prepares its own ballots.	Same as general election.	Members of the county central committee are chosen at the primary from the several precincts and city wards. Candidates for precinct committeemen are nominated by petition of 10 voters, or by the county central committee. Each party committee fills its own vacancies.	
Delaware Ballots are prepared and printed by the party committees; all expenses are paid by the counties and cities.	One inspector, \$5; two judges, \$5; two clerks, \$5.	A primary may be held on call of the proper party authority, to elect delegates to the state convention or to a county or city convention, but such primaries are not governed by the general primary law and all expenses are borne by the party.	
Georgia All expenses of primaries are paid by the political party holding them.		.....	.....

Kentucky There is a county board of election commissioners. All expenses are paid by county or city.	Four members.	.....	.....	.....	.....
Virginia	Three judges and two clerks for each party. Expenses are paid out of public treasury, if held on the date pre- scribed by law; if held on any other date, ex- penses are paid by can- didates.	.....	.....	.....	.....

PARTY CONVENTION	DATE OF CONVENTION
Alabama The State Executive Committee and the party committee of any political subdivision of the state may provide for state conventions or conventions of other subdivisions of the state and provide for the election of delegates to such conventions or other party officers at the general primary.	Not provided.
Arkansas Delegates are chosen at the primary to the county convention. Candidates for delegates are nominated by petition of 10 voters or by the county central committee. The county convention is held on the first Monday after the primary and its duty is to select delegates and alternate delegates to all conventions, including state and district conventions. The State Central Committee may prescribe rules for the election of delegates to the National Convention, and national delegates may be elected before the primary election.	No provision.
Georgia Primaries may be held to elect delegates to any party convention.	If a second primary is held, the state convention is not held until 15 days thereafter.
Kentucky.....	.....
Virginia Framed by convention.	.....

STATE	ASSESSMENT OF CANDIDATES
Alabama	Assessments may be made by the state or any local party committee; no assessment is made in counties under 45,000 population; in larger counties not to exceed 2% of one year's salary and for unremunerative or party offices \$10 in county, \$20 in larger subdivisions and \$50 for state.
Arkansas	Officers' votes for by whole state, \$.50; congressmen, \$10; district officers, \$3; county officers, \$3; township, city and town officers, \$1. Credited to general fund of county, city or town.
Georgia.....	.....
Kentucky	Fee of \$1 for each candidate required.
Virginia	2% of one year's salary attached to the office for which he is a candidate. If there is no salary the fee is \$1. Paid into state, city and county treasuries.

Book Department

BIOGRAPHICAL NOTE: The Division of Biography in the Library of Congress published a list of references on primary election laws in November, 1920. A list supplementary to this one and bringing it up to date is now in preparation.

DEWEY, D. R., and SHUGRUE, M. J. *Banking and Credit*. Pp. vii, 506. Price, \$3.00. New York: The Ronald Press Co., 1922.

This useful volume makes no pretence of covering the entire field of money and banking. The emphasis is distinctly on the descriptive and practical aspects of the subject rather than upon historical development or the discussion of underlying theoretical principles. Yet sufficient theory is presented for the purposes of the elementary student or the business man who desires a better understanding of his relations with banking and credit institutions.

The authors assume on the part of the reader a preliminary acquaintance with the chapters on money and banking found in any standard text on economics, and thus avoid the duplication of this material which is usual in the first few chapters of books on banking. The space saved in this way permits a more detailed treatment of certain topics than can be found in other introductory volumes, notably the problem of credit analysis, to which five chapters are devoted, and foreign exchange. The operation of the federal reserve system is described at length.

In order to give concreteness to the discussion, there are appended some sixty practical problems, half of them with solutions. About a third of these are merely commercial arithmetic (interest and discount), but the remainder deal with bank statements, credit analysis, and foreign exchange. Numerous references at the end of each chapter and an extensive bibliography are valuable guides to further reading.

The merit of the book lies in its clear and up-to-date presentation of judiciously selected parts of a large subject, rather

than in any originality of thought. It would be ungrateful to criticize the inevitable omissions, in view of the considerable success of the authors in achieving their object, the "detailed description and illustration of actual practice in the business world."

MORGAN, GERALD. *Public Relief of Sickness*. Pp. 195. Price, \$1.50. New York: The Macmillan Co.

In this book, Mr. Morgan has organized considerable valuable material on the problem of sickness and poverty and methods being used to meet that problem in America, Denmark, Germany and Great Britain. He then discusses the facts so compiled, with reference to the relative success and failure of the methods used in those countries. His conclusion is that health insurance alone cannot meet the problem and that the best plan would be a two-fold one comprising two separately operated and distinct programs: one, a provision for contributory, compulsory health insurance; the other a state-wide system of public health centers in which the best possible health service would be provided, that service to be paid for by patients in proportion to their ability to pay.

Mr. Morgan's data for his discussion of the present American situation with regard to public relief of sickness came largely from the survey made by the Illinois state commission appointed in 1917 to study the subject of health insurance. He presents an interesting analysis of the results of that survey in which he points out the extreme difficulty of getting accurate statistics as to the cost of adequate medical relief, as compared with the much simpler task of computing the wage loss caused by sickness. His deduction that this fact makes it difficult to provide adequate medical treatment in any system of health insurance appears to be borne out by the experience of the European countries where health insurance has been quite thoroughly tested. In all three countries cited—Denmark, Germany and Great Britain,

with a different system in each country—the facts gathered by Mr. Morgan appear to show that adequate medical treatment is not provided.

The book is a thoughtful, logical discussion of a very important subject in the field of social work. While it may be said to be too sketchy to be considered a comprehensive study of the subject, it does bring together a nucleus of idea, fact and bibliography which should prove valuable to anyone wishing to pursue the subject further.

W. M. L.

TOSDAL, H. R. *Problems in Export Sales Management*. Pp. 697. Price, \$5.00. Chicago, Ill.: A. W. Shaw Co., 1922.

Problems in Export Sales Management is designed for use in the so-called "case system" of business training. It is in line with similar books which have been prepared by other members of the staff of the Graduate School of Business Administration of Harvard University. Other volumes in the series deal with the management of retail stores, sales management, marketing problems and problems in business finance.

One of the shortcomings of the case system is that some of the problems presented are such that from the information given no one can be certain as to the correct answer. With only limited data before them both the instructor and his students may decide upon a particular policy, while a business executive actually called upon to decide the problem for his firm may decide it quite differently, in the light of some human element or other important fact which he knows to have a vital bearing upon the business policies of his firm. Another shortcoming, and one springing directly from the desire to minimize the likelihood of the one just mentioned, is that some problems are presented in such a manner that the answers are virtually given in the problems and require little reasoning on the part of the student.

It would appear that the case system can be used to advantage only in advanced classes which have acquired a thorough

groundwork in foreign trade methods and policies before attempting to solve many of the problems presented to them. Given a set of conditions, the student cannot reason intelligently as to the correct export method to apply, unless he knows considerable about all or many of the various methods in actual use. A book of problems is more serviceable in a class of graduate students than in undergraduate classes because the average graduate student is more mature and should have a wider knowledge of business practices.

Professor Tosdal's collection of export sales management problems shows careful selection and contains much practical information which will be of great value in the teaching of foreign trade, whether or not the case system is generally adopted. The book merits careful reading by every teacher of foreign trade and by every export manager. It abounds with valuable examples and pertinent suggestions.

It contains 164 problems, many of which were obtained from the experience of export concerns. They are presented in eleven chapters dealing with different phases of exporting: export sales organization; research and planning in export trade; export policies relating to the product; export policies relating to distribution; export policies relating to prices and terms of sale; sales methods; management of export sales force; foreign branches; financing, credits and collections; delivery of export orders; and control of export sales and general problems.

Suggestions for collateral reading are contained throughout the volume. In addition to the information given in the problems and explanatory statement of each chapter, the reader will find that it contains a classified bibliography.

GROVER G. HUEBNER.

PERSONS, FRANK W. *Central Financing of Social Agencies*. Pp. 284. Price, \$2.00. Columbus, Ohio: Columbus Advisory Council, 1922.

This is an exceedingly timely and intelligent survey of community financing as a method of solving the present needs of social agencies.

The author, a well-known leader in philanthropic work, has based his study on the experience of the six cities which have tried to solve their social financial difficulty by the community plan. The book outlines the various functions of organization, budgets, soliciting funds, administration, education, and then sums up the difficulties and advantages. One gathers the advantages well outweigh the difficulties and that there are many possibilities of coöperation and elimination of waste yet to be worked out.

Among the advantages are: more givers, agencies released from money struggle, an accurate estimate of social needs and community spirit created, as against diminishing returns from drives, standards of agencies levelled, new developments checked and the control of social work vested in a small group, which tends to become arbitrary and dominated by the dollar.

Altogether, the book is well worth a thoughtful reading. That our social agencies are spending their valuable time and energy in struggling with their financial needs is a problem we are increasingly forced to solve, and the only solution as yet found is this plan of community financing.

L. F. R.

OBERHOLTZER, ELLIS PAXSON, PH.D.,
LITT.D. *The Morals of the Movie*. Pp.
251. Price, \$1.25. Philadelphia: Penn
Publishing Company, 1922.

Doctor Oberholtzer was for six years a member of the Pennsylvania State Board of Censors, a board which was a pioneer in its field and whose principles and methods have been widely adopted. What success the Pennsylvania Board has had has been largely due to his efforts. In view of his intimate knowledge of the moral significance of the motion picture, it seems regrettable that he should confine himself to a destructive criticism of the industry and devote only one or two paragraphs in his preface to a mere mention that it is "among the world's greatest . . . successes."

After thus favorably cataloging the motion picture, he states that his purpose is "to point out the wrong in film," which

he does with a wealth of illustrative material. The censor's point of view is well presented and established. The illustrative material is not always wisely chosen, but it is nevertheless valuable, as is an appendix of 55 pages containing examples of existing and proposed censorship laws and standards, to the outsider who wishes to know just what censors are attempting to achieve.

DONALD YOUNG.

DARROW, CLARENCE. *Crime, Its Cause and Treatment*. Pp. 302. Price, \$2.50. New York: Thomas Y. Crowell Company, 1922.

This book is what one might expect from a man who for years has been fighting the legal battles of organized labor in this country. It is thoughtful and filled with the milk of human kindness. Mr. Darrow makes no pretence of being an original investigator in criminology or of being an authority in biology, psychology or philosophy. The book is his reflections on the subject of crime, based on forty years of court practice. It is the book of a social philosopher.

His point of view is fully expressed in his preface. "My main effort" he says "is to show that the laws that control human behavior are as fixed and certain as those that control the physical world." Actually he does not spend much time in proving this; he assumes this in every chapter of his book. There are few, however, who would quarrel with him over this assumption. Accordingly, he throws over the notion of moral responsibility and accounts for crime solely on the basis of heredity and environment. Much of the book is devoted to an elaboration of this thesis interspersed with common sense appraisals of society's attitude toward various aspects of the crime problem.

Many sentences and paragraphs could be taken from the book which deserve a place in one's collection of useful quotations, as for example:

As a matter of fact, the potential criminal is in every man, and no one was ever so abandoned that some friend would not plead for him, or

that someone who knew him would not testify to his good deeds.

I have very seldom seen one who felt that he had done wrong, or had any thought of what the world calls reformation. A very few have used the current language of those who talk of reform, but generally they were the weakest and most hopeless of the lot and usually adopted this attitude to deceive. In almost every instance where you meet any sign of intelligence, excuses and explanations are freely made, and these explanations fully justify their points of view.

But with few exceptions, the criminal comes from the walks of the poor and has no education or next to none. For this society is much to blame.

Any man or woman who has fairly normal faculties, and can reason from cause to effect, knows that the crimes of children are really the crimes of the state and society which by neglect, and active participation have made him what he is.

Still with the unfortunate accused of crimes or misdemeanors, from the moment the attention of the officers is drawn to him until his final destruction, everything is done to prevent his recovery and to aggravate and make fatal his disease.

The author's comment on the aftermath of crime following the war deserves widespread publicity:

For more than four years most of the Western World did nothing but kill. The whole world talked of slaughter and devoted its energy to killing. Every sentiment of humanity was forgotten. Even religious ties and religious commands were ignored. The prayers to the Almighty contained requests that He help the various fighting nations to kill their enemies. Everyone was taught to hate. The leaders in the war knew that boys could not do efficient killing unless they learned to fear and hate. The most outrageous falsehoods were freely circulated by every nation about its enemies and their conduct of the war. The highest rewards were offered for new and more efficient ways to kill. Every school was turned over to hate and preparation for war, and, of course, all the churches joined in the universal craze. God would not only forgive killing but reward those who were the most expert at the game.

When this bears a harvest after the war, the public loudly clamors for hanging boys whose psychology is a direct result of long and intensive training by the leaders of the world.

Mr. Darrow believes, of course, that society has a right to protect itself from

the depredations of criminals, but he believes that this should be done not in the spirit of vengeance and of hate but with charity.

"All prisons," says he, "should be in the hands of experts, physicians, criminologists, biologists, and, above all, the humane. Every prisoner should be made to feel that the state is interested in his good as well as the good of the society from which he came."

The question left in the reviewer's mind after reading the book is how long it will be before the general public comes to accept whole-heartedly these sound views of Mr. Darrow.

DR. LOUIS N. ROBINSON.

LOREE, LEONOR FRESNEL. *Railroad Freight Transportation*. Pp. 771. Price, \$5.00. New York: D. Appleton & Co., 1922.

This book is not designed for the use of the general reader, and those who read it with the hope of getting a clear and logically presented account of how freight is transported by rail will be disappointed. As Mr. Loree explains in his foreword, the volume is a "series of memoranda," originally prepared by him for the use of officers of his own company, "expanded and rearranged" for the benefit of the entire body of railroad officers in the United States. Though there is evidence that considerable labor was given to expansion and rearrangement, the work still has many characteristics of memoranda. With so much excellent material available for the preparation of a thoroughly good general work on railroad operation, it is to be regretted that Mr. Loree did not give more effort to its organization and presentation. There is no business in the United States which comes into closer contact with the public than the railroad business. Yet to the vast majority of people the operation of a railroad is a complete mystery. There has been for a long time a real need for an authentic work giving an adequate description of modern railroad facilities and telling how a railroad system is operated. Mr. Droege, in his two books on terminals and trains, has performed some service in this direction,

but his work is extremely detailed, and, like this work, is intended primarily for railroad men. Mr. Haines's volume, *Efficient Railroad Operation*, is much too technical for the general reader, and it places much more emphasis upon efficiency than upon operation.

Mr. Loree's book is for the most part a running commentary upon modern railroad practice, based upon his own experience and observation. While not exactly autobiographical in character, it gives a fairly good account of the author's long and useful career in the railroad field. The frequent references to his own experience, and even the Colonel Repington touches, such as, "When I took the Prince of Pless through the Western Pennsylvania coke region," and when Mr. Richards said to Mr. McCrea, "You have a good man in Loree," serve to lend interest to the discussion.

The volume is divided into eight sections, labelled in order: The Permanent Way; Shops and Equipment; Organization, Field and Staff; Forms, Accounts and Statistics; Movement of Cars; Movement of Engines and Trains; Men (two sections). Mr. Loree has refused, however, to be hampered by his labels, and has exercised complete freedom in the distribution of his comments on different subjects. The engine house is discussed as a part of the permanent way and again in the section on shops and equipment; signals come under permanent way and the movement of trains; airbrakes almost escape mention under equipment, but receive passing notice in the first section on men. The inevitable historical narrative on the development of steam transport is delayed until the middle of the book, appearing in the section devoted to the movement of engines and trains; and a description of periodicals on railway transportation comes in the section on organization.

One cannot say that Mr. Loree discusses any topic too fully or too lightly, because one cannot feel sure of the needs of his selected audience. Having prepared the material for the use of railroad officers, he naturally assumes on the part of his readers a fairly thorough knowledge of railroad work, and he has a right to be arbitrary in the selection of topics and in the assignment

of space. His views on many subjects will doubtless be criticised. The majority of progressive railroad officials look with favor upon the use of mechanical stokers for large locomotives, despite Mr. Loree's opinion that they do not make for greatly increased firing efficiency and his belief that firemen do not have enough work to do anyhow. His opposition to electrification of steam roads will likewise not meet with general approval; nor will his rather singular implication that the inefficiency of terminals in large cities such as New York and Chicago is due to the failure of public authorities and shippers to provide adequate facilities. His opinion with regard to store-door delivery and the use of motor trucks and container cars by railroad companies, is at direct variance with the views recently presented by Mr. Lyford and other railroad officials of the younger generation. One wishes that he had given his opinion of automatic stops and devices for train speed control, but he does not mention them. He apparently favors the use of the locomotive booster, though he neither describes it nor discusses its advantages. He tells with much detail of his own connection with the development of the standard code of train rules and telegraph orders, but he avoids any discussion of the controversy over the virtual elimination of the "31" order.

If any part of Mr. Loree's book will be of great interest to the general reader, it will be the sections devoted to labor. More than one hundred and fifty pages are given to this subject, and most of this space is occupied with an enlargement of his well-known opinion of labor organizations, their purposes and methods. Mr. Loree is convinced that the labor problem can best be solved by leaving all questions at issue to the employer. The following paragraph (p. 697) is faintly reminiscent of *Divine Right* Baer:

If both parties organize to control wages and conditions of employment, as they become more nearly equal in strength, we shall enter upon a new phase. Practically every capitalist and enterpriser has had the experience of the laborer, knows thoroughly this phase of life in at least one branch of endeavor, and looks forward to the probability of his great grandchildren having

to make their start from the same level. Practically no laborer has had the experience of the capitalist or of the enterpriser, and he usually conceives a radically wrong picture of their activities, environment and motives. It is to associations of employers, therefore, not to labor organizations, that we may look with hope for practical solutions of the questions involved.

In dealing with the activities of labor unions Mr. Loree occasionally lets his prejudices becloud his judgment, and at times his attitude is positively truculent. The Adamson Act, in particular, rouses his ire, every time he thinks about it; "The most insolent humiliation ever put on a proud people. The Anglo-Saxon people have a long memory. The day of retribution is not likely to be entirely avoided." And of President Wilson: "A man of quick imagination and mercurial morals [whatever that may mean] he lacked that sense of perspective without which no man is safe in high places. Nor did he possess those long traditions of Americanism, without which no man can adequately represent the republic." One may wonder why, if this opinion was general, Mr. Loree, in common with other railroad officials, waited until the day after election in 1916 to challenge the constitutionality of the Adamson Act in the courts.

Mr. Loree contributes little of constructive nature in his discussion of the labor problem. He quotes at length various passages of open-shop propaganda, and rehearses the familiar shibboleths of personal liberty, freedom of individual contract, and "socialistic" Russia. His attitude is the traditional attitude of the labor-union opponents, whose opposition has never served to check the growth of trade unionism or to correct its abuses.

T. W. VAN METRE.

JONES, FRANKLIN D., of the Washington Bar. *Trade Association Activities and the Law*. Pp. 360. Price, \$3.00. New York: McGraw Hill Book Company.

The author's purpose is first, to aid officers and members of trade associations by informing them as to the legality of proposed acts and plans; second, to present to the public at large the vast extent of

legitimate association activities and show their value and importance. The work has been done with such extraordinary thoroughness and clarity that the author might well have stated a third purpose for his book; that of serving as a text for advanced university courses in commerce and government.

The plan of the work is admirable. After opening chapters on the general legal rules governing competition and a summary of their protective purposes, the author takes up the chief activities of trade associations. These are: the dissemination of basic business facts; the study of cost and accounting methods; the establishment of standards, classifications, types and sizes, etc.; industrial research; labor questions; coöperative advertising; traffic and transportation; the protection of credit, trade marks and other property interests; commercial arbitration; foreign trade; relations with government.

The layman will be surprised to learn of the extent and intensity of this activity and the large influence wielded by some of the trade bodies described. The Silk Association has developed commercial arbitration to such a point that all contracts made by its members are accompanied by a blank form on which the parties state that they will or will not accept arbitration of claims arising under it. The effect is to take out of the courts an immense mass of litigation and to avoid the expense, delay and disruption of trade relations caused by such lawsuits. The same association has set up a complete schedule of standards in order to meet the need for a definite measure of silk products in both quality and quantity. Codes of trade practices are solely evolved so that the trade bodies described are becoming the source of a new industrial law which, the author believes, may greatly aid the government in its regulation of fair and unfair trade methods. The collection and distribution of business information is a vital function of trade bodies. Its importance to the individual business concern is well described and the limits of its legality are clearly set forth.

The book concludes with a study of those collective activities which are prohibited

by law. There are appendices giving the texts of the chief federal trade acts.

It might be wished that the author had given a more detailed description of the leading association activities; also a more critical explanation of the reasons why some policies were successful and others were not. The reader also misses some constructive suggestions for the future development of association work. The first of these needs is partly supplied in a well-written booklet, *Trade Associations*, issued by the National Association of Manufacturers. Perhaps it is as yet too early to expect a discussion of policies, because most of the work undertaken is still new and its value and future development cannot be quickly appraised.

The author has given a highly valuable survey of the present lines of activity and

has referred the reader to helpful sources of information. All statements of policy are well documented; the references both to association minutes and other publications, and to court decisions and administrative correspondence, are thoroughly up-to-date. The author's attitude is that of a broad-visioned student of trade and legal affairs who has a keen practical sense of the value of coöperation, and who wants to see association activities conducted along legal lines that will be helpful to their members and to the public at large. The treatment is both scholarly and interesting. The views expressed are sane and practical and the material has been gathered and presented in a natural order. The author has done a real public service in a new and fruitful field of research.

JAMES T. YOUNG.

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Report of the Board of Directors of the American Academy of Political and Social Science for the Year Ending December 31, 1922

I. REVIEW OF THE ACADEMY'S ACTIVITIES

YOUR Board is in the fortunate position to present to you a most encouraging report on the activities of the Academy during the calendar year which has just come to a close. At no time in the history of our organization have the publications of the Academy exerted so far-reaching an influence on the thought and opinion of the country.

With each year the Academy is moving steadily towards the fulfillment of its larger mission as one of the real forces in the education of public opinion. The meetings of the Academy have been largely attended, and the sessions of the Annual Meeting attracted attention throughout the country.

The progress of the Academy's work and the extension of its influence has been due in large measure to the devoted and unselfish efforts of the Editorial Council under the able leadership of the Chairman of the Council—Dr. Clyde L. King—and the Board desires to take this opportunity to place on record the debt of obligation owing to Dr. King and his associates.

During the year the Academy has suffered the loss of one of its founders—Dr. Simon N. Patten, to whose guidance the Academy owes so much. A special memorial session was held under the auspices of the Academy to honor his memory.

Your Board has quietly continued the campaign for the establishment of an endowment fund. It is our purpose to raise such a fund through comparatively small contributions by the members of the Academy. While this campaign is still in its initial stages, it is our hope that in time such a fund will be established in order to enable the Academy to carry on special investigations on subjects of national and international interest.

II. PUBLICATIONS

During the year 1922 the Academy published the following special volumes:

The Federal Reserve System—its purpose and work (January).

Russia Today—Determination of Wage-Rates—American Intervention in Haiti and the Dominican Republic (March).

The Ethics of the Professions and of Business (May).

America and the Rehabilitation of Europe (July).

Industrial Relations and the Churches (September).

A Study in Labor Mobility (September supplement).

Western Europe and the United States (November).

Attendance in Four Textile Mills in Philadelphia (November Supplement).

III. MEETINGS

During the year that has just come to a close the Academy held the following sessions:

January 14, China and Her Problems.

May 12 and 13, The Twenty-sixth Annual Meeting—America and the Rehabilitation of Europe.

October 28, Special session to honor the memory of Dr. Simon Nelson Patten, one of the founders of the Academy.

IV. MEMBERSHIP

During the year 1922 the Academy received 1,318 new members and 172 new subscriptions, or a total of 1,490. The Academy lost 68 members by death; 545 by resignation; and 192 delinquent members and 95 subscriptions were dropped. The present membership of the Academy is 6,979 members and 1,436 subscriptions, making a total of 8,415.

V. FINANCIAL CONDITION

The receipts and expenditures of the Academy for the fiscal year just ended are clearly set forth in the treasurer's report. The accounts were submitted to Messrs. E. P. Moxey and Company for audit, and copy of their statement is appended herewith. In order to lighten the expenses incident to the Annual Meeting a fund of \$1,734 was raised. The Board desires to take this opportunity to express its gratitude to the contributors to this fund.

VI. CONCLUSION

One of the purposes which your Board has constantly kept in mind is the establishment of Academy centers throughout the country. We have not been able to put this larger plan into effect because of the fact that it will require not only a much more elaborate administrative organization than we at present possess, but will also call for the services of an executive director whose entire time and energy will be devoted to this special duty. As yet your Board has not been able to find a man adequately equipped to undertake this important task.

In conclusion your Board desires to express the hope that during the present year the Academy may have the more active co-operation of a larger percentage of our members. Occupying, as they do, influential positions in all sections of the country, such coöperation will add much to the influence and prestige of the Academy.

January 11, 1923.

CHARLES J. RHOADS, ESQ., TREAS.,
*American Academy of Political and Social
Science, Philadelphia, Pa.*

Dear Sir:—

We herewith report that we have audited the books and accounts of the American Academy of Political and Social Science for its fiscal year ended December 31, 1922.

We have prepared and submit herewith statement of receipts and disbursements during the above indicated period, together with statement of assets as at December 31, 1922.

The receipts from all sources were verified by a comparison of the entries for same appearing in the treasurer's cash book with the record of bank deposits and were found to be in accord therewith.

The disbursements, as shown by the cash book, were supported by proper vouchers. These vouchers were in the form of cancelled paid checks or receipts for moneys expended. These were examined by us and verified the correctness of the payments made.

The investment securities listed in the statement of assets were examined by us and were found to be correct and in accord with the books.

As the result of our audit and examination we certify that the statements submitted herewith are true and correct.

Yours respectfully,

(Signed) EDWARD P. MOXEY & Co.,
Certified Public Accountants.

AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE

STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR FISCAL YEAR
ENDED DECEMBER 31, 1922

Cash Balance January 1, 1922.....	\$1,693.07
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Receipts

Members' Dues.....	\$33,841.99	
Life Memberships.....	22.50	
Special Donations.....	1,734.00	
Subscriptions.....	7,201.21	
Sales of Publications.....	7,597.10	
Securities Sold or Matured.....	6,971.80	
Interest on Investments and Bank Balances.....	5,749.63	
Gain on Sale or Maturity of Securities.....	71.64	
Sundries.....	30.85	
	<hr/>	63,220.72
		<hr/>
		\$64,913.79

Disbursements

Office Expense.....	\$6,215.28	
Philadelphia Meetings.....	4,294.02	
Publicity Expense.....	7,722.80	
Publication of The Annals.....	26,954.59	
Membership Records.....	2,759.31	
Expenditures for Special Research Work.....	1,749.00	
Securities Purchased.....	6,743.80	
	<hr/>	56,438.80
		<hr/>
Cash Balance December 31, 1922.....		\$8,474.99

Assets

Investments (Book Value).....		\$117,148.27
Cash:		
In Academy Office.....	\$400.00	
In Treasurer's Hands, Girard Trust Company.....	8,074.99	
	<hr/>	8,474.99
		<hr/>
		\$125,623.26

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SOME COMMENTS IN REGARD TO "THE ANNALS"

"I desire to express my sincere appreciation of what comes to me through the Academy. There is no expenditure of a like sum which is anywhere so worthwhile."

SEWARD A. SIMONS,
Los Angeles, California

"I can conceive of no more practical method for keeping in touch with the great vital issues of the day than by a careful study of your highly authoritative volumes."

HESTER E. HOSFORD,
Seattle, Washington

"I know of no publication which furnishes me with as much definite and accurate information on the problems of the day as does that published by the Academy of Political and Social Science."

SAM D. GOZA,
The Northwestern Mutual Life Insurance Company,
Helena, Montana

"I wish to congratulate you on the excellence of the volumes for the past year. The one thing that is particularly commendable is the up-to-dateness of the information that you publish. Further than that one gets views from all sides of the different subjects, leaving him quite free and unbiased in the formation of his own opinions."

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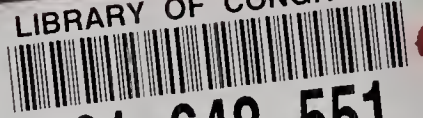
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